

# **SESSION LAWS OF MISSOURI**

**Passed during the  
Second Regular Session  
of the**

## **NINETIETH GENERAL ASSEMBLY**

Second Regular Session, which convened at the City of Jefferson,  
Wednesday, January 5, 2000, and adjourned May 30, 2000.

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**Published by the**

### **MISSOURI JOINT COMMITTEE ON LEGISLATIVE RESEARCH**

In compliance with Section 2.030,  
Revised Statutes of Missouri, 1994  
and

Section 2.040, Revised Statutes of Missouri, Supp. 1999  
and

House Concurrent Resolution No. 34  
Second Regular Session  
Ninetieth General Assembly

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1999 - 2000

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## **HOW TO USE THE SESSION LAWS**

The first pages contain the *Popular Name Table* and the *Table of Sections Affected by 2000 Legislation*.

The text of all 2000 House and Senate Bills and the Concurrent Resolutions appear next. The appropriation bills are presented first, with all others following in numerical order.

A subject index is included at the end of this volume.

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## Authority for Publishing Session Laws and Resolutions

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Section 2.030, Revised Statutes of Missouri, 1994. — General Assembly to provide for printing and binding of laws. — The sixty-fourth general assembly and each general assembly thereafter, whether in regular or extraordinary session, shall by concurrent resolution adopted by both houses, provide for collating, indexing, printing and binding all laws and resolutions of the session and all measures approved by the people since the last publication of the laws and resolutions in the manner directed by the resolution. The general assembly may by concurrent resolution require that all laws passed by the general assembly and all resolutions adopted prior to any recess of the general assembly for a period of thirty days or more shall be collated, indexed, bound and distributed as provided by law, and any edition published pursuant to the concurrent resolution is a part of the official laws and resolutions of the general assembly at which the laws and resolutions were passed.

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Section 2.040, Revised Statutes of Missouri, Supp. 1998. — Duties of Legislative Research in printing and binding. — The joint committee on legislative research shall provide copies of all laws, measures and resolutions duly enacted by the general assembly and all amendments to the constitution and all measures approved by the people since the last publication of such laws and resolutions, giving the date of the approval or adoption thereof for printing in accordance with the directions of the general assembly as given by concurrent resolution. The joint committee on legislative research shall edit, headnote, collate, index the laws, resolutions and constitutional amendments, and shall compare the proof sheets of the printed copies with the original rolls, note all errors which have been committed, if any, and cause errata thereof to be annexed to the completed printed copies, and the revisor of statutes shall insert therein an attestation under the revisor's hand that the revisor has compared the laws, resolutions, constitutional amendments and measures therein contained with the original rolls and copies in the office of the secretary of state and that the same are true copies of such laws, measures, resolutions and constitutional amendments as the same appear in the original rolls in the office of the secretary of state. The joint committee on legislative research shall cause the completed laws, resolutions and constitutional amendments to be printed and bound.

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HOUSE CONCURRENT RESOLUTION NO. 34, 2000 General Assembly.—BE IT RESOLVED by the members of the House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, that the Missouri Committee on Legislative Research shall prepare and cause to be collated, indexed, printed and bound all acts and resolutions of the Ninetieth General Assembly, Second Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that he has compared the same with the original rolls in his office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninetieth General Assembly, Second Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

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## ATTESTATION

STATE OF MISSOURI )

) ss.

City of Jefferson )

I, Ralph C. Kidd, Revisor of Statutes, hereby certify that I have collated carefully the laws and resolutions passed by the Ninetieth General Assembly of the State of Missouri, convened in second regular session, as they are contained in the following pages, and have compared them with the original rolls and have corrected them thereby. Headnotes are used for the convenience of the reader and are not part of the laws they precede.

IN TESTIMONY WHEREOF, I have hereunto set my hand at my office in the City of Jefferson this 20th day of July A.D. two thousand.

Ralph C. Kidd  
Revisor of Statutes

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## EFFECTIVE DATE OF LAWS

### Section 29, Article III of the Constitution provides:

“No law passed by the general assembly, except an appropriation act, shall take effect until ninety days after the adjournment of the session in either odd-numbered or even-numbered years at which it was enacted. However, in case of an emergency which must be expressed in the preamble or in the body of the act, the general assembly by a two-thirds vote of the members elected to each house, taken by yeas and nays may otherwise direct; and further except that, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of the recess.”

The Ninetieth General Assembly, Second Regular Session, convened Wednesday, January 5, 2000, and adjourned May 30, 2000. All laws passed by it (other than appropriation acts, those having emergency clauses or different effective dates) became effective ninety days thereafter on August 28, 2000.

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## JOINT RESOLUTIONS AND INITIATIVE PETITIONS

### Section 2(b), Article XII of the Constitution provides:

“All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments..... If a majority of the votes cast thereon is in favor of any amendment, the same shall take effect at the end of thirty days after the election. More than one amendment at the same election shall be so submitted as to enable the electors to vote on each amendment separately.”

The Ninetieth General Assembly, Second Regular Session, passed two Joint Resolutions. Resolutions approved will be published as provided in Section 116.340, RSMo 1994, which reads:

“**116.340. Publication of approved measures.** — When a statewide ballot measure is approved by the voters, the secretary of state\* shall publish it with the laws enacted by the following session of the general assembly, and the revisor of statutes shall include it in the next edition or supplement of the revised statutes of Missouri. Each of the measures printed above shall include the date of the proclamation or statement of approval under section 116.330.”

\*The publication of session laws was delegated to the Joint Committee on Legislative Research in 1997 by Senate Bill 459, section 2.040.

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The headnotes used to describe sections printed in this volume may not be identical with the headnotes which appear in the 2000 Revised Statutes of Missouri. Every attempt has been made to develop headnotes which adequately describe the textual material contained in the section.

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The Joint Committee on Legislative Research is pleased to state that the *2000 Session Laws* is produced with soy-based ink.

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## **POPULAR NAME TABLE**

### **2000 LEGISLATION**

Court Cost Bill, SB 1002  
E-mail Unsolicited, SB 763  
Financial Exploitation of the Elderly and Disabled, HB 1386  
Interstate Compact for Adult Offender Supervision, HB 1321  
Midwest Interstate Passenger Rail Compact, HB 1363  
Nazi Persecution Victims, Restitution, HB 1452  
No-call List and Database, SB 763  
Payne Stewart Highway, HB 1742  
Racial Profiling, Traffic Stops, SB 1053  
Rosa Parks Highway, HB 1742  
Student Suicide Prevention Program, SB 944  
Telemarketing Regulation, SB 763  
Terrorist Threat, Penalty, SB 944  
Whistle-blower Protections, Hospital, Ambulatory Surgical Center Employees, SB 788  
World War II Medallion, Medal and Certificate, SB 961

**TABLE OF SECTIONS AFFECTED  
BY  
2000 LEGISLATION**

| <b>SECTION</b> | <b>ACTION</b> | <b>BILL</b> | <b>SECTION</b> | <b>ACTION</b> | <b>BILL</b> |
|----------------|---------------|-------------|----------------|---------------|-------------|
| 8.012          | Amended       | SB 961      | 50.1175        | New           | HB 1808     |
| 8.900          | New           | HB 1428     | 53.135         | Amended       | SB 894      |
| 9.130          | Veto          | HB 1396     | 56.824         | New           | HB 1808     |
| 12.010         | Amended       | HB 1082     | 58.449         | Amended       | HB 1353     |
| 21.183         | Amended       | HB 1376     | 64.337         | New           | HB 1238     |
| 21.570         | Repealed      | SB 1001     | 64.337         | New           | SB 894      |
| 21.650         | New           | SB 896      | 64.342         | Amended       | HB 1238     |
| 32.055         | Amended       | HB 1797     | 64.342         | Amended       | SB 894      |
| 32.080         | Amended       | HB 1797     | 64.725         | Amended       | SB 894      |
| 32.090         | Amended       | HB 1797     | 67.210         | Amended       | HB 1808     |
| 32.091         | Amended       | HB 1797     | 67.401         | Repealed      | SB 1001     |
| 32.105         | Amended       | SB 894      | 67.410         | Amended       | HB 1238     |
| 32.110         | Amended       | SB 894      | 67.478         | New           | HB 1238     |
| 32.300         | New           | HB 1797     | 67.481         | New           | HB 1238     |
| 37.510         | Repealed      | SB 1001     | 67.484         | New           | HB 1238     |
| 42.180         | New           | SB 961      | 67.487         | New           | HB 1238     |
| 42.185         | New           | SB 961      | 67.490         | New           | HB 1238     |
| 42.190         | New           | SB 961      | 67.493         | New           | HB 1238     |
| 42.195         | New           | SB 961      | 67.547         | Amended       | SB 894      |
| 42.500         | New           | SB 961      | 67.582         | Amended       | SB 894      |
| 43.505         | New           | HB 1677     | 67.700         | Amended       | SB 894      |

| SECTION | ACTION | BILL |
|---------|--------|------|
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|         |          |         |
|---------|----------|---------|
| 67.1003 | Amended  | HB 1659 |
| 67.1003 | Amended  | SB 724  |
| 67.1062 | Amended  | HB 1238 |
| 67.1063 | Amended  | HB 1238 |
| 67.1360 | Amended  | HB 1659 |
| 67.1360 | Amended  | SB 724  |
| 67.1401 | Amended  | HB 1238 |
| 67.1461 | Amended  | HB 1238 |
| 67.1545 | New      | HB 1238 |
| 67.1850 | New      | HB 1238 |
| 67.1900 | New      | SB 724  |
| 70.430  | Repealed | SB 1001 |
| 70.500  | Amended  | SB 719  |
| 70.605  | Amended  | HB 1808 |
| 70.655  | Amended  | HB 1808 |
| 70.661  | Amended  | HB 1808 |
| 70.675  | Amended  | HB 1808 |
| 70.680  | Amended  | HB 1808 |
| 70.685  | Amended  | HB 1808 |
| 71.014  | Amended  | HB 1238 |
| 71.285  | Amended  | SB 894  |
| 72.400  | Amended  | HB 1967 |
| 72.401  | Amended  | HB 1967 |
| 72.402  | Amended  | HB 1967 |
| 72.403  | Amended  | HB 1967 |
| 72.405  | Amended  | HB 1967 |

| SECTION | ACTION | BILL |
|---------|--------|------|
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|         |          |         |
|---------|----------|---------|
| 72.407  | Amended  | HB 1967 |
| 72.408  | Amended  | HB 1967 |
| 72.409  | Amended  | HB 1967 |
| 72.410  | Repealed | HB 1967 |
| 72.412  | Amended  | HB 1967 |
| 72.416  | Amended  | HB 1967 |
| 72.418  | Amended  | HB 1967 |
| 72.422  | Amended  | HB 1967 |
| 72.423  | Amended  | HB 1967 |
| 72.424  | Amended  | HB 1238 |
| 72.424  | Amended  | SB 1001 |
| 77.670  | New      | HB 1647 |
| 82.300  | Amended  | HB 1238 |
| 82.817  | Amended  | SB 894  |
| 82.1050 | New      | HB 1238 |
| 82.1050 | Veto     | SB 867  |
| 84.160  | Amended  | HB 1808 |
| 86.200  | Amended  | HB 1808 |
| 86.203  | Amended  | HB 1808 |
| 86.207  | Amended  | HB 1808 |
| 86.210  | Amended  | HB 1808 |
| 86.213  | Amended  | HB 1808 |
| 86.217  | Amended  | HB 1808 |
| 86.220  | Amended  | HB 1808 |
| 86.227  | Amended  | HB 1808 |
| 86.237  | Amended  | HB 1808 |

| SECTION | ACTION  | BILL    | SECTION | ACTION   | BILL    |
|---------|---------|---------|---------|----------|---------|
| 86.240  | Amended | HB 1808 | 86.303  | Amended  | HB 1808 |
| 86.243  | Amended | HB 1808 | 86.307  | Amended  | HB 1808 |
| 86.247  | Amended | HB 1808 | 86.310  | Amended  | HB 1808 |
| 86.248  | Amended | HB 1808 | 86.313  | Amended  | HB 1808 |
| 86.250  | Amended | HB 1808 | 86.317  | Repealed | HB 1808 |
| 86.251  | Amended | HB 1808 | 86.320  | Amended  | HB 1808 |
| 86.252  | Amended | HB 1808 | 86.323  | Repealed | HB 1808 |
| 86.253  | Amended | HB 1808 | 86.327  | Repealed | HB 1808 |
| 86.254  | Amended | HB 1808 | 86.330  | Amended  | HB 1808 |
| 86.255  | Amended | HB 1808 | 86.337  | Amended  | HB 1808 |
| 86.256  | Amended | HB 1808 | 86.340  | Amended  | HB 1808 |
| 86.257  | Amended | HB 1808 | 86.343  | Amended  | HB 1808 |
| 86.260  | Amended | HB 1808 | 86.344  | Amended  | HB 1808 |
| 86.263  | Amended | HB 1808 | 86.350  | Amended  | HB 1808 |
| 86.267  | Amended | HB 1808 | 86.353  | Amended  | HB 1808 |
| 86.270  | Amended | HB 1808 | 86.354  | Amended  | HB 1808 |
| 86.277  | Amended | HB 1808 | 86.357  | Amended  | HB 1808 |
| 86.280  | Amended | HB 1808 | 86.360  | Amended  | HB 1808 |
| 86.283  | Amended | HB 1808 | 86.364  | Amended  | HB 1808 |
| 86.287  | Amended | HB 1808 | 86.365  | Amended  | HB 1808 |
| 86.288  | Amended | HB 1808 | 86.366  | Amended  | HB 1808 |
| 86.290  | Amended | HB 1808 | 86.403  | Amended  | HB 1808 |
| 86.292  | New     | HB 1808 | 86.433  | Amended  | HB 1808 |
| 86.293  | Amended | HB 1808 | 86.437  | Amended  | HB 1808 |
| 86.297  | Amended | HB 1808 | 86.440  | Amended  | HB 1808 |
| 86.300  | Amended | HB 1808 | 86.441  | Amended  | HB 1808 |

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|---------|--------|------|
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|         |          |         |
|---------|----------|---------|
| 86.442  | Amended  | HB 1808 |
| 86.447  | Amended  | HB 1808 |
| 86.483  | Amended  | HB 1808 |
| 86.493  | Amended  | HB 1808 |
| 86.675  | Amended  | HB 1808 |
| 86.730  | Amended  | HB 1808 |
| 86.750  | Amended  | HB 1808 |
| 86.770  | Amended  | HB 1808 |
| 86.780  | Amended  | HB 1808 |
| 87.120  | Amended  | HB 1808 |
| 87.176  | Repealed | HB 1808 |
| 87.230  | Amended  | HB 1808 |
| 87.237  | Amended  | HB 1808 |
| 87.287  | Repealed | SB 1001 |
| 89.142  | Repealed | HB 1077 |
| 92.031  | Amended  | HB 1238 |
| 92.418  | Amended  | SB 881  |
| 94.576  | Repealed | SB 1001 |
| 94.655  | Amended  | SB 881  |
| 94.1008 | New      | HB 1659 |
| 99.053  | New      | HB 1238 |
| 99.053  | New      | SB 557  |
| 100.331 | New      | HB 1238 |
| 100.331 | New      | SB 894  |
| 103.003 | Amended  | SB 885  |
| 103.008 | Amended  | SB 885  |

| SECTION | ACTION | BILL |
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|          |         |         |
|----------|---------|---------|
| 103.081  | New     | SB 885  |
| 103.085  | Amended | SB 885  |
| 103.085  | Amended | HB 1808 |
| 103.136  | Amended | SB 885  |
| 104.010  | Amended | HB 1808 |
| 104.090  | Amended | HB 1808 |
| 104.103  | Amended | HB 1808 |
| 104.140  | Amended | HB 1808 |
| 104.335  | Amended | HB 1808 |
| 104.344  | Amended | HB 1808 |
| 104.345  | Amended | HB 1808 |
| 104.350  | Amended | HB 1808 |
| 104.372  | Amended | HB 1808 |
| 104.380  | Amended | HB 1808 |
| 104.395  | Amended | HB 1808 |
| 104.420  | Amended | HB 1808 |
| 104.517  | Amended | HB 1808 |
| 104.610  | Amended | HB 1808 |
| 104.1015 | Amended | HB 1808 |
| 104.1024 | Amended | HB 1808 |
| 104.1027 | Amended | HB 1808 |
| 104.1042 | Amended | HB 1808 |
| 104.1072 | Amended | HB 1808 |
| 104.1090 | Amended | HB 1808 |
| 105.055  | Amended | SB 788  |
| 105.058  | Amended | SB 788  |

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|         |          |         |
|---------|----------|---------|
| 105.980 | Repealed | SB 1001 |
| 135.355 | Amended  | HB 1238 |
| 135.360 | Repealed | SB 1001 |
| 135.403 | Amended  | SB 894  |
| 135.406 | Veto     | SB 867  |
| 135.481 | Amended  | HB 1238 |
| 135.484 | Amended  | SB 894  |
| 135.500 | Veto     | SB 867  |
| 135.503 | Veto     | SB 867  |
| 135.516 | Veto     | SB 867  |
| 135.766 | Repealed | SB 894  |
| 136.055 | Amended  | SB 896  |
| 137.073 | Amended  | SB 894  |
| 137.721 | New      | SB 894  |
| 139.053 | Amended  | HB 1238 |
| 139.053 | Amended  | SB 894  |
| 140.110 | Amended  | SB 894  |
| 140.110 | Amended  | HB 1238 |
| 140.110 | Amended  | SB 896  |
| 140.160 | Amended  | SB 894  |
| 140.160 | Amended  | HB 1238 |
| 140.160 | Amended  | SB 896  |
| 141.220 | Amended  | HB 1238 |
| 141.220 | Amended  | SB 894  |
| 141.540 | Amended  | HB 1238 |
| 141.540 | Amended  | SB 894  |

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|         |          |         |
|---------|----------|---------|
| 141.550 | Amended  | HB 1238 |
| 141.550 | Amended  | SB 894  |
| 141.610 | Amended  | HB 1238 |
| 141.610 | Amended  | SB 894  |
| 142.345 | Amended  | HB 1742 |
| 143.127 | New      | HB 1452 |
| 143.331 | Amended  | SB 896  |
| 144.157 | Amended  | HB 1659 |
| 144.157 | Amended  | SB 724  |
| 144.757 | Amended  | HB 1238 |
| 144.759 | Amended  | HB 1238 |
| 144.761 | Amended  | HB 1238 |
| 144.815 | New      | SB 896  |
| 148.064 | Amended  | SB 896  |
| 160.261 | Amended  | SB 944  |
| 160.522 | Amended  | SB 944  |
| 160.660 | New      | SB 944  |
| 160.700 | New      | SB 944  |
| 161.650 | Amended  | SB 944  |
| 163.029 | Repealed | SB 1001 |
| 163.031 | Amended  | SB 944  |
| 163.036 | Amended  | SB 573  |
| 163.191 | Amended  | HB 1486 |
| 165.011 | Amended  | SB 944  |
| 165.016 | Amended  | SB 944  |
| 167.020 | Amended  | SB 944  |

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|         |         |         |
|---------|---------|---------|
| 167.023 | Amended | SB 944  |
| 167.115 | Amended | SB 944  |
| 167.117 | Amended | SB 944  |
| 167.171 | Amended | SB 944  |
| 168.021 | Amended | HB 1808 |
| 169.060 | Amended | HB 1808 |
| 169.070 | Amended | HB 1808 |
| 169.075 | Amended | HB 1808 |
| 169.600 | Amended | HB 1808 |
| 169.620 | Amended | HB 1808 |
| 169.663 | Amended | HB 1808 |
| 169.670 | Amended | HB 1808 |
| 170.250 | Amended | SB 944  |
| 172.037 | Veto    | HB 1396 |
| 172.360 | Veto    | HB 1396 |
| 172.790 | Veto    | HB 1396 |
| 172.792 | Veto    | HB 1396 |
| 172.794 | Veto    | HB 1396 |
| 172.796 | Veto    | HB 1396 |
| 172.798 | Veto    | HB 1396 |
| 173.003 | New     | HB 1808 |
| 173.239 | Amended | SB 961  |
| 174.056 | Veto    | HB 1396 |
| 174.610 | Veto    | HB 1396 |
| 174.620 | Veto    | HB 1396 |
| 174.621 | Veto    | HB 1396 |

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|         |          |         |
|---------|----------|---------|
| 175.020 | Veto     | HB 1396 |
| 175.021 | Veto     | HB 1396 |
| 175.023 | Veto     | HB 1396 |
| 178.870 | Amended  | SB 894  |
| 190.055 | Amended  | HB 1284 |
| 191.599 | Repealed | SB 1001 |
| 191.825 | Repealed | SB 1001 |
| 191.862 | New      | SB 721  |
| 191.865 | New      | SB 721  |
| 192.936 | New      | SB 721  |
| 192.965 | New      | HB 1568 |
| 192.968 | New      | HB 1568 |
| 197.285 | New      | SB 788  |
| 207.090 | Repealed | SB 1001 |
| 207.125 | Repealed | SB 1001 |
| 208.480 | Amended  | SB 810  |
| 208.750 | New      | HB 1452 |
| 209.251 | Amended  | SB 721  |
| 209.253 | Amended  | SB 721  |
| 209.255 | Amended  | SB 721  |
| 209.258 | Amended  | SB 721  |
| 209.259 | Amended  | SB 721  |
| 210.001 | Amended  | HB 1677 |
| 210.001 | Amended  | SB 757  |
| 210.030 | Amended  | HB 1568 |
| 210.109 | Amended  | SB 757  |

| SECTION | ACTION | BILL |
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|         |          |         |
|---------|----------|---------|
| 210.110 | Amended  | SB 757  |
| 210.115 | Amended  | SB 757  |
| 210.145 | Amended  | SB 757  |
| 210.150 | Amended  | SB 757  |
| 210.152 | Amended  | SB 757  |
| 210.192 | Amended  | SB 757  |
| 210.195 | Amended  | SB 757  |
| 210.775 | Repealed | SB 1001 |
| 210.776 | Repealed | SB 1001 |
| 210.865 | Amended  | SB 944  |
| 217.041 | Repealed | SB 1001 |
| 217.042 | Repealed | SB 1001 |
| 219.089 | Repealed | SB 1001 |
| 221.120 | Veto     | SB 892  |
| 226.132 | New      | HB 1742 |
| 226.133 | Amended  | HB 1742 |
| 226.134 | Amended  | HB 1742 |
| 226.200 | Amended  | HB 1742 |
| 226.781 | New      | HB 1742 |
| 226.783 | New      | HB 1742 |
| 231.466 | Repealed | SB 1001 |
| 238.060 | Amended  | SB 881  |
| 247.031 | Amended  | SB 741  |
| 247.170 | Amended  | SB 741  |
| 249.255 | Amended  | SB 741  |
| 249.422 | Amended  | SB 741  |

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| 249.470 | Amended | HB 1238 |
| 258.110 | New     | HB 1097 |
| 260.210 | Amended | HB 1238 |
| 260.285 | Amended | HB 1454 |
| 260.375 | Amended | SB 577  |
| 260.380 | Amended | SB 577  |
| 260.391 | Amended | SB 577  |
| 260.395 | Amended | SB 577  |
| 260.475 | Amended | SB 577  |
| 260.479 | Amended | SB 577  |
| 260.480 | Amended | SB 577  |
| 260.500 | Amended | SB 577  |
| 260.535 | Amended | SB 577  |
| 260.546 | Amended | SB 577  |
| 260.569 | Amended | SB 577  |
| 260.900 | New     | SB 577  |
| 260.905 | New     | SB 577  |
| 260.910 | New     | SB 577  |
| 260.915 | New     | SB 577  |
| 260.920 | New     | SB 577  |
| 260.925 | New     | SB 577  |
| 260.930 | New     | SB 577  |
| 260.935 | New     | SB 577  |
| 260.940 | New     | SB 577  |
| 260.945 | New     | SB 577  |
| 260.950 | New     | SB 577  |



| SECTION | ACTION | BILL |
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| 260.955  | New      | SB 577  |
| 260.960  | New      | SB 577  |
| 261.032  | New      | SB 894  |
| 261.037  | New      | SB 894  |
| 261.038  | New      | SB 894  |
| 261.110  | New      | SB 894  |
| 262.260  | Amended  | SB 540  |
| 278.080  | New      | SB 741  |
| 278.130  | Amended  | SB 741  |
| 278.135  | New      | SB 741  |
| 287.889  | Repealed | SB 1001 |
| 294.011  | Amended  | HB 1428 |
| 301.004  | Repealed | SB 1001 |
| 301.010  | Amended  | HB 1142 |
| 301.010  | Amended  | HB 1142 |
| 301.010  | Amended  | HB 1948 |
| 301.020  | Amended  | SB 721  |
| 301.025  | Amended  | HB 1797 |
| 301.474  | New      | HB 1797 |
| 301.475  | New      | HB 1797 |
| 301.476  | New      | HB 1797 |
| 301.600  | Amended  | SB 896  |
| 301.3031 | New      | HB 1797 |
| 301.3041 | New      | HB 1797 |
| 301.3051 | New      | HB 1797 |
| 301.3053 | New      | HB 1797 |

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| 301.3055 | New     | HB 1797 |
| 301.3062 | New     | HB 1797 |
| 302.160  | Amended | HB 1797 |
| 302.171  | Amended | SB 721  |
| 302.178  | Amended | HB 1797 |
| 302.302  | Amended | HB 1797 |
| 303.025  | Amended | HB 1797 |
| 303.025  | Amended | HB 1948 |
| 303.026  | Amended | HB 1797 |
| 303.041  | Amended | HB 1797 |
| 303.042  | Amended | HB 1797 |
| 303.044  | Amended | HB 1797 |
| 303.406  | Amended | HB 1797 |
| 303.409  | Amended | HB 1797 |
| 303.409  | Amended | HB 1948 |
| 303.412  | Amended | HB 1797 |
| 303.415  | Amended | HB 1797 |
| 304.170  | Amended | HB 1142 |
| 304.170  | Amended | HB 1142 |
| 304.170  | Amended | HB 1948 |
| 304.180  | Amended | HB 1948 |
| 304.200  | Amended | HB 1142 |
| 304.200  | Amended | HB 1142 |
| 304.200  | Amended | HB 1948 |
| 306.400  | Amended | SB 896  |
| 306.410  | Amended | SB 896  |

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|         |          |         |
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| 306.420 | Amended  | SB 896  |
| 311.070 | Amended  | HB 1631 |
| 311.485 | Amended  | HB 1631 |
| 311.510 | Amended  | HB 1631 |
| 311.540 | Amended  | HB 1631 |
| 312.210 | Amended  | HB 1631 |
| 313.008 | Amended  | SB 902  |
| 313.270 | Amended  | SB 902  |
| 313.805 | Amended  | SB 902  |
| 313.807 | Amended  | SB 902  |
| 313.812 | Amended  | SB 902  |
| 313.815 | Amended  | SB 902  |
| 313.817 | Amended  | SB 902  |
| 313.820 | Amended  | SB 902  |
| 313.822 | Amended  | SB 902  |
| 313.825 | Amended  | SB 902  |
| 313.827 | Repealed | SB 902  |
| 313.830 | Amended  | SB 902  |
| 313.833 | New      | SB 902  |
| 313.835 | Amended  | SB 902  |
| 313.837 | Amended  | SB 902  |
| 313.842 | Amended  | SB 902  |
| 313.843 | New      | SB 902  |
| 316.203 | Amended  | HB 1434 |
| 316.204 | New      | HB 1434 |
| 316.205 | New      | HB 1434 |

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|         |          |         |
|---------|----------|---------|
| 316.209 | Amended  | HB 1434 |
| 316.210 | New      | HB 1434 |
| 316.235 | Repealed | SB 1001 |
| 321.223 | New      | HB 1967 |
| 321.509 | Repealed | SB 1001 |
| 324.130 | Amended  | HB 1848 |
| 334.040 | Amended  | HB 1848 |
| 334.120 | Veto     | SB 921  |
| 334.128 | Veto     | SB 921  |
| 344.040 | Amended  | HB 1591 |
| 344.105 | New      | HB 1591 |
| 347.137 | Amended  | SB 896  |
| 347.141 | Amended  | SB 896  |
| 348.425 | Repealed | SB 1001 |
| 351.025 | Amended  | SB 896  |
| 351.055 | Amended  | SB 896  |
| 351.245 | Amended  | SB 896  |
| 351.300 | Amended  | SB 896  |
| 351.355 | Amended  | SB 896  |
| 351.482 | Amended  | SB 896  |
| 351.690 | Amended  | SB 896  |
| 353.020 | Amended  | HB 1238 |
| 354.065 | Amended  | SB 896  |
| 355.561 | Amended  | HB 1808 |
| 355.596 | Amended  | HB 1808 |
| 355.661 | Amended  | HB 1544 |

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|         |         |        |
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| 359.091 | Amended | SB 896 |
| 359.451 | Amended | SB 896 |
| 359.481 | Amended | SB 896 |
| 361.230 | Amended | SB 896 |
| 361.250 | Amended | SB 896 |
| 361.390 | Amended | SB 896 |
| 361.440 | Amended | SB 896 |
| 361.470 | Amended | SB 896 |
| 361.520 | Amended | SB 896 |
| 361.540 | Amended | SB 896 |
| 361.600 | Amended | SB 896 |
| 362.025 | Amended | SB 896 |
| 362.035 | Amended | SB 896 |
| 362.042 | Amended | SB 896 |
| 362.060 | Amended | SB 896 |
| 362.105 | Amended | SB 896 |
| 362.115 | Amended | SB 896 |
| 362.116 | Amended | SB 896 |
| 362.119 | Amended | SB 896 |
| 362.170 | Amended | SB 896 |
| 362.172 | Amended | SB 896 |
| 362.235 | Amended | SB 896 |
| 362.245 | Amended | SB 896 |
| 362.325 | Amended | SB 896 |
| 362.440 | Amended | SB 896 |
| 362.450 | Amended | SB 896 |

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| 362.464  | Amended  | SB 896  |
| 362.600  | Amended  | SB 896  |
| 362.680  | Amended  | SB 896  |
| 362.700  | Amended  | SB 896  |
| 362.710  | Amended  | SB 896  |
| 362.730  | Amended  | SB 896  |
| 362.740  | Amended  | SB 896  |
| 362.750  | Amended  | SB 896  |
| 365.020  | Amended  | SB 896  |
| 369.219  | Amended  | SB 896  |
| 369.371  | New      | SB 896  |
| 375.017  | New      | SB 896  |
| 375.022  | Amended  | SB 896  |
| 375.065  | New      | SB 896  |
| 375.126  | Repealed | SB 896  |
| 375.347  | Veto     | HB 1596 |
| 375.347  | New      | SB 896  |
| 375.1312 | Amended  | HB 1677 |
| 376.300  | Amended  | HB 1739 |
| 376.350  | Amended  | SB 896  |
| 376.676  | New      | HB 1739 |
| 379.105  | Amended  | SB 896  |
| 381.003  | New      | SB 894  |
| 381.009  | New      | SB 894  |
| 381.011  | Repealed | SB 894  |
| 381.015  | New      | SB 894  |

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|         |          |        |
|---------|----------|--------|
| 381.018 | New      | SB 894 |
| 381.021 | Repealed | SB 894 |
| 381.022 | New      | SB 894 |
| 381.025 | New      | SB 894 |
| 381.028 | New      | SB 894 |
| 381.031 | Repealed | SB 894 |
| 381.032 | New      | SB 894 |
| 381.035 | New      | SB 894 |
| 381.038 | New      | SB 894 |
| 381.041 | Repealed | SB 894 |
| 381.042 | New      | SB 894 |
| 381.045 | New      | SB 894 |
| 381.048 | New      | SB 894 |
| 381.051 | Repealed | SB 894 |
| 381.052 | New      | SB 894 |
| 381.055 | New      | SB 894 |
| 381.058 | New      | SB 894 |
| 381.061 | Repealed | SB 894 |
| 381.062 | New      | SB 894 |
| 381.065 | New      | SB 894 |
| 381.068 | New      | SB 894 |
| 381.072 | New      | SB 894 |
| 381.075 | New      | SB 894 |
| 381.078 | New      | SB 894 |
| 381.081 | Repealed | SB 894 |
| 381.085 | New      | SB 894 |

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|         |          |        |
|---------|----------|--------|
| 381.088 | New      | SB 894 |
| 381.091 | Repealed | SB 894 |
| 381.092 | New      | SB 894 |
| 381.095 | New      | SB 894 |
| 381.098 | New      | SB 894 |
| 381.101 | Repealed | SB 894 |
| 381.102 | New      | SB 894 |
| 381.105 | New      | SB 894 |
| 381.108 | New      | SB 894 |
| 381.111 | Repealed | SB 894 |
| 381.112 | New      | SB 894 |
| 381.115 | New      | SB 894 |
| 381.118 | New      | SB 894 |
| 381.121 | Repealed | SB 894 |
| 381.122 | New      | SB 894 |
| 381.125 | New      | SB 894 |
| 381.131 | Repealed | SB 894 |
| 381.141 | Repealed | SB 894 |
| 381.151 | Repealed | SB 894 |
| 381.161 | Repealed | SB 894 |
| 381.171 | Repealed | SB 894 |
| 381.181 | Repealed | SB 894 |
| 381.191 | Repealed | SB 894 |
| 381.201 | Repealed | SB 894 |
| 381.211 | Repealed | SB 894 |
| 381.221 | Repealed | SB 894 |

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| 381.231    | Repealed | SB 894  |
| 381.241    | Repealed | SB 894  |
| 381.410    | Amended  | SB 894  |
| 381.412    | Amended  | SB 894  |
| 390.128    | New      | HB 1797 |
| 393.705    | Amended  | SB 894  |
| 393.715    | Amended  | SB 894  |
| 400.03.312 | Amended  | SB 896  |
| 407.020    | Amended  | SB 763  |
| 407.025    | Amended  | HB 1509 |
| 407.125    | New      | SB 896  |
| 407.850    | Amended  | HB 1142 |
| 407.850    | Amended  | HB 1142 |
| 407.870    | Amended  | HB 1142 |
| 407.870    | Amended  | HB 1142 |
| 407.1070   | New      | SB 763  |
| 407.1073   | New      | SB 763  |
| 407.1076   | New      | SB 763  |
| 407.1079   | New      | SB 763  |
| 407.1082   | New      | SB 763  |
| 407.1085   | New      | SB 763  |
| 407.1095   | New      | SB 763  |
| 407.1098   | New      | SB 763  |
| 407.1101   | New      | SB 763  |
| 407.1107   | New      | SB 763  |
| 407.1110   | New      | SB 763  |

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| 407.1113 | New      | SB 763  |
| 407.1300 | New      | SB 763  |
| 407.1310 | New      | SB 763  |
| 407.1320 | New      | SB 763  |
| 407.1330 | New      | SB 763  |
| 407.1340 | New      | SB 763  |
| 407.2000 | New      | SB 896  |
| 407.2015 | New      | SB 896  |
| 407.2021 | New      | SB 896  |
| 408.052  | Amended  | SB 896  |
| 408.234  | Amended  | SB 896  |
| 431.056  | New      | SB 757  |
| 443.415  | Amended  | HB 1802 |
| 443.415  | Amended  | SB 896  |
| 453.005  | Amended  | SB 757  |
| 453.011  | New      | SB 757  |
| 454.1019 | Repealed | SB 1001 |
| 455.010  | Amended  | HB 1677 |
| 455.045  | Amended  | HB 1677 |
| 455.050  | Amended  | HB 1677 |
| 455.085  | Amended  | HB 1677 |
| 455.205  | Amended  | HB 1677 |
| 455.205  | Amended  | SB 1002 |
| 455.220  | Amended  | HB 1677 |
| 455.230  | Amended  | HB 1677 |
| 455.300  | New      | HB 1677 |

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|         |          |         |
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| 455.305 | New      | HB 1677 |
| 455.540 | Amended  | HB 1677 |
| 455.543 | Amended  | HB 1677 |
| 455.545 | Amended  | HB 1677 |
| 455.550 | New      | HB 1677 |
| 473.730 | Amended  | SB 542  |
| 473.739 | Amended  | SB 542  |
| 473.742 | New      | SB 542  |
| 473.767 | Amended  | SB 542  |
| 475.060 | Amended  | SB 944  |
| 475.070 | Amended  | SB 944  |
| 476.053 | Amended  | SB 1002 |
| 476.053 | Amended  | SB 1002 |
| 476.687 | New      | HB 1808 |
| 476.690 | Amended  | HB 1808 |
| 478.401 | Amended  | SB 1002 |
| 479.261 | Amended  | SB 1002 |
| 479.261 | Amended  | SB 1002 |
| 483.591 | Amended  | SB 1002 |
| 485.100 | Amended  | SB 1002 |
| 485.120 | Amended  | SB 1002 |
| 487.170 | Amended  | SB 1002 |
| 488.023 | Repealed | SB 1001 |
| 488.024 | New      | SB 1002 |
| 488.032 | New      | SB 1002 |
| 488.035 | New      | SB 1002 |

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| 488.040  | New     | SB 1002 |
| 488.045  | New     | SB 1002 |
| 488.064  | New     | SB 1002 |
| 488.435  | New     | SB 1002 |
| 488.470  | New     | SB 1002 |
| 488.472  | New     | SB 1002 |
| 488.473  | New     | SB 1002 |
| 488.474  | New     | SB 1002 |
| 488.627  | New     | SB 1002 |
| 488.633  | New     | SB 1002 |
| 488.635  | New     | SB 1002 |
| 488.4014 | New     | SB 1002 |
| 488.5017 | New     | SB 1002 |
| 488.5320 | New     | SB 1002 |
| 488.5339 | New     | SB 1002 |
| 488.5342 | New     | SB 1002 |
| 488.5345 | New     | SB 1002 |
| 488.5356 | New     | SB 1002 |
| 488.5358 | New     | SB 1002 |
| 488.6697 | New     | SB 1002 |
| 491.074  | Amended | SB 757  |
| 513.430  | Amended | HB 1808 |
| 514.440  | Amended | SB 1002 |
| 514.450  | Amended | SB 1002 |
| 514.460  | Amended | SB 1002 |
| 525.080  | Amended | SB 896  |

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| 525.230 | Amended | SB 896  |
| 525.233 | Amended | SB 896  |
| 525.240 | Amended | SB 896  |
| 525.250 | Amended | SB 896  |
| 537.340 | Amended | HB 1097 |
| 556.063 | New     | SB 757  |
| 559.115 | Amended | SB 757  |
| 561.035 | Amended | SB 1002 |
| 565.063 | Amended | HB 1677 |
| 565.072 | New     | HB 1677 |
| 565.073 | New     | HB 1677 |
| 565.074 | New     | HB 1677 |
| 566.010 | Amended | SB 757  |
| 566.025 | Amended | SB 757  |
| 566.067 | Amended | SB 757  |
| 566.068 | Amended | SB 757  |
| 568.052 | New     | SB 757  |
| 568.065 | New     | SB 757  |

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| 568.110 | Amended  | SB 757  |
| 569.093 | Repealed | SB 757  |
| 569.155 | New      | SB 944  |
| 570.145 | New      | HB 1386 |
| 571.030 | Amended  | SB 944  |
| 573.010 | Amended  | SB 757  |
| 573.020 | Amended  | SB 757  |
| 573.023 | New      | SB 757  |
| 573.025 | Amended  | SB 757  |
| 573.030 | Amended  | SB 757  |
| 573.035 | Amended  | SB 757  |
| 573.037 | Amended  | SB 757  |
| 573.040 | Amended  | SB 757  |
| 574.150 | New      | SB 944  |
| 577.048 | Amended  | SB 1002 |
| 577.053 | Repealed | SB 1001 |

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## Authority for Publishing Session Laws and Resolutions

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Section 2.030, Revised Statutes of Missouri, 1994. — General Assembly to provide for printing and binding of laws. — The sixty-fourth general assembly and each general assembly thereafter, whether in regular or extraordinary session, shall by concurrent resolution adopted by both houses, provide for collating, indexing, printing and binding all laws and resolutions of the session and all measures approved by the people since the last publication of the laws and resolutions in the manner directed by the resolution. The general assembly may by concurrent resolution require that all laws passed by the general assembly and all resolutions adopted prior to any recess of the general assembly for a period of thirty days or more shall be collated, indexed, bound and distributed as provided by law, and any edition published pursuant to the concurrent resolution is a part of the official laws and resolutions of the general assembly at which the laws and resolutions were passed.

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Section 2.040, Revised Statutes of Missouri, Supp. 1998. — Duties of Legislative Research in printing and binding. — The joint committee on legislative research shall provide copies of all laws, measures and resolutions duly enacted by the general assembly and all amendments to the constitution and all measures approved by the people since the last publication of such laws and resolutions, giving the date of the approval or adoption thereof for printing in accordance with the directions of the general assembly as given by concurrent resolution. The joint committee on legislative research shall edit, headnote, collate, index the laws, resolutions and constitutional amendments, and shall compare the proof sheets of the printed copies with the original rolls, note all errors which have been committed, if any, and cause errata thereof to be annexed to the completed printed copies, and the revisor of statutes shall insert therein an attestation under the revisor's hand that the revisor has compared the laws, resolutions, constitutional amendments and measures therein contained with the original rolls and copies in the office of the secretary of state and that the same are true copies of such laws, measures, resolutions and constitutional amendments as the same appear in the original rolls in the office of the secretary of state. The joint committee on legislative research shall cause the completed laws, resolutions and constitutional amendments to be printed and bound.

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HOUSE CONCURRENT RESOLUTION NO. 34, 2000 General Assembly.—BE IT RESOLVED by the members of the House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, that the Missouri Committee on Legislative Research shall prepare and cause to be collated, indexed, printed and bound all acts and resolutions of the Ninetieth General Assembly, Second Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that he has compared the same with the original rolls in his office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninetieth General Assembly, Second Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

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**ATTESTATION**

STATE OF MISSOURI )

) ss.

City of Jefferson )

I, Ralph C. Kidd, Revisor of Statutes, hereby certify that I have collated carefully the laws and resolutions passed by the Ninetieth General Assembly of the State of Missouri, convened in second regular session, as they are contained in the following pages, and have compared them with the original rolls and have corrected them thereby. Headnotes are used for the convenience of the reader and are not part of the laws they precede.

IN TESTIMONY WHEREOF, I have hereunto set my hand at my office in the City of Jefferson this 20th day of July A.D. two thousand.

Ralph C. Kidd  
Revisor of Statutes

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## **EFFECTIVE DATE OF LAWS**

**Section 29, Article III of the Constitution provides:**

“No law passed by the general assembly, except an appropriation act, shall take effect until ninety days after the adjournment of the session in either odd-numbered or even-numbered years at which it was enacted. However, in case of an emergency which must be expressed in the preamble or in the body of the act, the general assembly by a two-thirds vote of the members elected to each house, taken by yeas and nays may otherwise direct; and further except that, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of the recess.”

The Ninetieth General Assembly, Second Regular Session, convened Wednesday, January 5, 2000, and adjourned May 30, 2000. All laws passed by it (other than appropriation acts, those having emergency clauses or different effective dates) became effective ninety days thereafter on August 28, 2000.

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## JOINT RESOLUTIONS AND INITIATIVE PETITIONS

### Section 2(b), Article XII of the Constitution provides:

“All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments..... If a majority of the votes cast thereon is in favor of any amendment, the same shall take effect at the end of thirty days after the election. More than one amendment at the same election shall be so submitted as to enable the electors to vote on each amendment separately.”

The Ninetieth General Assembly, Second Regular Session, passed two Joint Resolutions. Resolutions approved will be published as provided in Section 116.340, RSMo 1994, which reads:

**“116.340. Publication of approved measures.** — When a statewide ballot measure is approved by the voters, the secretary of state\* shall publish it with the laws enacted by the following session of the general assembly, and the revisor of statutes shall include it in the next edition or supplement of the revised statutes of Missouri. Each of the measures printed above shall include the date of the proclamation or statement of approval under section 116.330.”

\*The publication of session laws was delegated to the Joint Committee on Legislative Research in 1997 by Senate Bill 459, section 2.040.

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The headnotes used to describe sections printed in this volume may not be identical with the headnotes which appear in the 2000 Revised Statutes of Missouri. Every attempt has been made to develop headnotes which adequately describe the textual material contained in the section.

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The Joint Committee on Legislative Research is pleased to state that the *2000 Session Laws* is produced with soy-based ink.

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# TABLE OF SECTIONS AFFECTED BY 2000 LEGISLATION

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|---------|----------|---------|---------|----------|---------|
| 8.012   | Amended  | SB 961  | 58.449  | Amended  | HB 1353 |
| 8.900   | New      | HB 1428 | 64.337  | New      | HB 1238 |
| 9.130   | Veto     | HB 1396 | 64.337  | New      | SB 894  |
| 12.010  | Amended  | HB 1082 | 64.342  | Amended  | HB 1238 |
| 21.183  | Amended  | HB 1376 | 64.342  | Amended  | SB 894  |
| 21.570  | Repealed | SB 1001 | 64.725  | Amended  | SB 894  |
| 21.650  | New      | SB 896  | 67.210  | Amended  | HB 1808 |
| 32.055  | Amended  | HB 1797 | 67.401  | Repealed | SB 1001 |
| 32.080  | Amended  | HB 1797 | 67.410  | Amended  | HB 1238 |
| 32.090  | Amended  | HB 1797 | 67.478  | New      | HB 1238 |
| 32.091  | Amended  | HB 1797 | 67.481  | New      | HB 1238 |
| 32.105  | Amended  | SB 894  | 67.484  | New      | HB 1238 |
| 32.110  | Amended  | SB 894  | 67.487  | New      | HB 1238 |
| 32.300  | New      | HB 1797 | 67.490  | New      | HB 1238 |
| 37.510  | Repealed | SB 1001 | 67.493  | New      | HB 1238 |
| 42.180  | New      | SB 961  | 67.547  | Amended  | SB 894  |
| 42.185  | New      | SB 961  | 67.582  | Amended  | SB 894  |
| 42.190  | New      | SB 961  | 67.700  | Amended  | SB 894  |
| 42.195  | New      | SB 961  | 67.1003 | Amended  | HB 1659 |
| 42.500  | New      | SB 961  | 67.1003 | Amended  | SB 724  |
| 43.505  | New      | HB 1677 | 67.1062 | Amended  | HB 1238 |
| 50.1175 | New      | HB 1808 | 67.1063 | Amended  | HB 1238 |
| 53.135  | Amended  | SB 894  | 67.1360 | Amended  | HB 1659 |
| 56.824  | New      | HB 1808 | 67.1360 | Amended  | SB 724  |

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| 67.1401 | Amended  | HB 1238 |
| 67.1461 | Amended  | HB 1238 |
| 67.1545 | New      | HB 1238 |
| 67.1850 | New      | HB 1238 |
| 67.1900 | New      | SB 724  |
| 70.430  | Repealed | SB 1001 |
| 70.500  | Amended  | SB 719  |
| 70.605  | Amended  | HB 1808 |
| 70.655  | Amended  | HB 1808 |
| 70.661  | Amended  | HB 1808 |
| 70.675  | Amended  | HB 1808 |
| 70.680  | Amended  | HB 1808 |
| 70.685  | Amended  | HB 1808 |
| 71.014  | Amended  | HB 1238 |
| 71.285  | Amended  | SB 894  |
| 72.400  | Amended  | HB 1967 |
| 72.401  | Amended  | HB 1967 |
| 72.402  | Amended  | HB 1967 |
| 72.403  | Amended  | HB 1967 |
| 72.405  | Amended  | HB 1967 |
| 72.407  | Amended  | HB 1967 |
| 72.408  | Amended  | HB 1967 |
| 72.409  | Amended  | HB 1967 |
| 72.410  | Repealed | HB 1967 |
| 72.412  | Amended  | HB 1967 |
| 72.416  | Amended  | HB 1967 |

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| 72.418  | Amended | HB 1967 |
| 72.422  | Amended | HB 1967 |
| 72.423  | Amended | HB 1967 |
| 72.424  | Amended | HB 1238 |
| 72.424  | Amended | SB 1001 |
| 77.670  | New     | HB 1647 |
| 82.300  | Amended | HB 1238 |
| 82.817  | Amended | SB 894  |
| 82.1050 | New     | HB 1238 |
| 82.1050 | Veto    | SB 867  |
| 84.160  | Amended | HB 1808 |
| 86.200  | Amended | HB 1808 |
| 86.203  | Amended | HB 1808 |
| 86.207  | Amended | HB 1808 |
| 86.210  | Amended | HB 1808 |
| 86.213  | Amended | HB 1808 |
| 86.217  | Amended | HB 1808 |
| 86.220  | Amended | HB 1808 |
| 86.227  | Amended | HB 1808 |
| 86.237  | Amended | HB 1808 |
| 86.240  | Amended | HB 1808 |
| 86.243  | Amended | HB 1808 |
| 86.247  | Amended | HB 1808 |
| 86.248  | Amended | HB 1808 |
| 86.250  | Amended | HB 1808 |
| 86.251  | Amended | HB 1808 |

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| 86.252 | Amended  | HB 1808 |
| 86.253 | Amended  | HB 1808 |
| 86.254 | Amended  | HB 1808 |
| 86.255 | Amended  | HB 1808 |
| 86.256 | Amended  | HB 1808 |
| 86.257 | Amended  | HB 1808 |
| 86.260 | Amended  | HB 1808 |
| 86.263 | Amended  | HB 1808 |
| 86.267 | Amended  | HB 1808 |
| 86.270 | Amended  | HB 1808 |
| 86.277 | Amended  | HB 1808 |
| 86.280 | Amended  | HB 1808 |
| 86.283 | Amended  | HB 1808 |
| 86.287 | Amended  | HB 1808 |
| 86.288 | Amended  | HB 1808 |
| 86.290 | Amended  | HB 1808 |
| 86.292 | New      | HB 1808 |
| 86.293 | Amended  | HB 1808 |
| 86.297 | Amended  | HB 1808 |
| 86.300 | Amended  | HB 1808 |
| 86.303 | Amended  | HB 1808 |
| 86.307 | Amended  | HB 1808 |
| 86.310 | Amended  | HB 1808 |
| 86.313 | Amended  | HB 1808 |
| 86.317 | Repealed | HB 1808 |
| 86.320 | Amended  | HB 1808 |

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| 86.323 | Repealed | HB 1808 |
| 86.327 | Repealed | HB 1808 |
| 86.330 | Amended  | HB 1808 |
| 86.337 | Amended  | HB 1808 |
| 86.340 | Amended  | HB 1808 |
| 86.343 | Amended  | HB 1808 |
| 86.344 | Amended  | HB 1808 |
| 86.350 | Amended  | HB 1808 |
| 86.353 | Amended  | HB 1808 |
| 86.354 | Amended  | HB 1808 |
| 86.357 | Amended  | HB 1808 |
| 86.360 | Amended  | HB 1808 |
| 86.364 | Amended  | HB 1808 |
| 86.365 | Amended  | HB 1808 |
| 86.366 | Amended  | HB 1808 |
| 86.403 | Amended  | HB 1808 |
| 86.433 | Amended  | HB 1808 |
| 86.437 | Amended  | HB 1808 |
| 86.440 | Amended  | HB 1808 |
| 86.441 | Amended  | HB 1808 |
| 86.442 | Amended  | HB 1808 |
| 86.447 | Amended  | HB 1808 |
| 86.483 | Amended  | HB 1808 |
| 86.493 | Amended  | HB 1808 |
| 86.675 | Amended  | HB 1808 |
| 86.730 | Amended  | HB 1808 |



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| 86.750  | Amended  | HB 1808 | 104.103  | Amended  | HB 1808 |
| 86.770  | Amended  | HB 1808 | 104.140  | Amended  | HB 1808 |
| 86.780  | Amended  | HB 1808 | 104.335  | Amended  | HB 1808 |
| 87.120  | Amended  | HB 1808 | 104.344  | Amended  | HB 1808 |
| 87.176  | Repealed | HB 1808 | 104.345  | Amended  | HB 1808 |
| 87.230  | Amended  | HB 1808 | 104.350  | Amended  | HB 1808 |
| 87.237  | Amended  | HB 1808 | 104.372  | Amended  | HB 1808 |
| 87.287  | Repealed | SB 1001 | 104.380  | Amended  | HB 1808 |
| 89.142  | Repealed | HB 1077 | 104.395  | Amended  | HB 1808 |
| 92.031  | Amended  | HB 1238 | 104.420  | Amended  | HB 1808 |
| 92.418  | Amended  | SB 881  | 104.517  | Amended  | HB 1808 |
| 94.576  | Repealed | SB 1001 | 104.610  | Amended  | HB 1808 |
| 94.655  | Amended  | SB 881  | 104.1015 | Amended  | HB 1808 |
| 94.1008 | New      | HB 1659 | 104.1024 | Amended  | HB 1808 |
| 99.053  | New      | HB 1238 | 104.1027 | Amended  | HB 1808 |
| 99.053  | New      | SB 557  | 104.1042 | Amended  | HB 1808 |
| 100.331 | New      | HB 1238 | 104.1072 | Amended  | HB 1808 |
| 100.331 | New      | SB 894  | 104.1090 | Amended  | HB 1808 |
| 103.003 | Amended  | SB 885  | 105.055  | Amended  | SB 788  |
| 103.008 | Amended  | SB 885  | 105.058  | Amended  | SB 788  |
| 103.081 | New      | SB 885  | 105.980  | Repealed | SB 1001 |
| 103.085 | Amended  | SB 885  | 135.355  | Amended  | HB 1238 |
| 103.085 | Amended  | HB 1808 | 135.360  | Repealed | SB 1001 |
| 103.136 | Amended  | SB 885  | 135.403  | Amended  | SB 894  |
| 104.010 | Amended  | HB 1808 | 135.406  | Veto     | SB 867  |
| 104.090 | Amended  | HB 1808 | 135.481  | Amended  | HB 1238 |

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| 135.484 | Amended  | SB 894  |
| 135.500 | Veto     | SB 867  |
| 135.503 | Veto     | SB 867  |
| 135.516 | Veto     | SB 867  |
| 135.766 | Repealed | SB 894  |
| 136.055 | Amended  | SB 896  |
| 137.073 | Amended  | SB 894  |
| 137.721 | New      | SB 894  |
| 139.053 | Amended  | HB 1238 |
| 139.053 | Amended  | SB 894  |
| 140.110 | Amended  | SB 894  |
| 140.110 | Amended  | HB 1238 |
| 140.110 | Amended  | SB 896  |
| 140.160 | Amended  | SB 894  |
| 140.160 | Amended  | HB 1238 |
| 140.160 | Amended  | SB 896  |
| 141.220 | Amended  | HB 1238 |
| 141.220 | Amended  | SB 894  |
| 141.540 | Amended  | HB 1238 |
| 141.540 | Amended  | SB 894  |
| 141.550 | Amended  | HB 1238 |
| 141.550 | Amended  | SB 894  |
| 141.610 | Amended  | HB 1238 |
| 141.610 | Amended  | SB 894  |
| 142.345 | Amended  | HB 1742 |
| 143.127 | New      | HB 1452 |

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| 143.331 | Amended  | SB 896  |
| 144.157 | Amended  | HB 1659 |
| 144.157 | Amended  | SB 724  |
| 144.757 | Amended  | HB 1238 |
| 144.759 | Amended  | HB 1238 |
| 144.761 | Amended  | HB 1238 |
| 144.815 | New      | SB 896  |
| 148.064 | Amended  | SB 896  |
| 160.261 | Amended  | SB 944  |
| 160.522 | Amended  | SB 944  |
| 160.660 | New      | SB 944  |
| 160.700 | New      | SB 944  |
| 161.650 | Amended  | SB 944  |
| 163.029 | Repealed | SB 1001 |
| 163.031 | Amended  | SB 944  |
| 163.036 | Amended  | SB 573  |
| 163.191 | Amended  | HB 1486 |
| 165.011 | Amended  | SB 944  |
| 165.016 | Amended  | SB 944  |
| 167.020 | Amended  | SB 944  |
| 167.023 | Amended  | SB 944  |
| 167.115 | Amended  | SB 944  |
| 167.117 | Amended  | SB 944  |
| 167.171 | Amended  | SB 944  |
| 168.021 | Amended  | HB 1808 |
| 169.060 | Amended  | HB 1808 |

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| 169.070 | Amended  | HB 1808 | 191.825 | Repealed | SB 1001 |
| 169.075 | Amended  | HB 1808 | 191.862 | New      | SB 721  |
| 169.600 | Amended  | HB 1808 | 191.865 | New      | SB 721  |
| 169.620 | Amended  | HB 1808 | 192.936 | New      | SB 721  |
| 169.663 | Amended  | HB 1808 | 192.965 | New      | HB 1568 |
| 169.670 | Amended  | HB 1808 | 192.968 | New      | HB 1568 |
| 170.250 | Amended  | SB 944  | 197.285 | New      | SB 788  |
| 172.037 | Veto     | HB 1396 | 207.090 | Repealed | SB 1001 |
| 172.360 | Veto     | HB 1396 | 207.125 | Repealed | SB 1001 |
| 172.790 | Veto     | HB 1396 | 208.480 | Amended  | SB 810  |
| 172.792 | Veto     | HB 1396 | 208.750 | New      | HB 1452 |
| 172.794 | Veto     | HB 1396 | 209.251 | Amended  | SB 721  |
| 172.796 | Veto     | HB 1396 | 209.253 | Amended  | SB 721  |
| 172.798 | Veto     | HB 1396 | 209.255 | Amended  | SB 721  |
| 173.003 | New      | HB 1808 | 209.258 | Amended  | SB 721  |
| 173.239 | Amended  | SB 961  | 209.259 | Amended  | SB 721  |
| 174.056 | Veto     | HB 1396 | 210.001 | Amended  | HB 1677 |
| 174.610 | Veto     | HB 1396 | 210.001 | Amended  | SB 757  |
| 174.620 | Veto     | HB 1396 | 210.030 | Amended  | HB 1568 |
| 174.621 | Veto     | HB 1396 | 210.109 | Amended  | SB 757  |
| 175.020 | Veto     | HB 1396 | 210.110 | Amended  | SB 757  |
| 175.021 | Veto     | HB 1396 | 210.115 | Amended  | SB 757  |
| 175.023 | Veto     | HB 1396 | 210.145 | Amended  | SB 757  |
| 178.870 | Amended  | SB 894  | 210.150 | Amended  | SB 757  |
| 190.055 | Amended  | HB 1284 | 210.152 | Amended  | SB 757  |
| 191.599 | Repealed | SB 1001 | 210.192 | Amended  | SB 757  |

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| 210.195 | Amended  | SB 757  |
| 210.775 | Repealed | SB 1001 |
| 210.776 | Repealed | SB 1001 |
| 210.865 | Amended  | SB 944  |
| 217.041 | Repealed | SB 1001 |
| 217.042 | Repealed | SB 1001 |
| 219.089 | Repealed | SB 1001 |
| 221.120 | Veto     | SB 892  |
| 226.132 | New      | HB 1742 |
| 226.133 | Amended  | HB 1742 |
| 226.134 | Amended  | HB 1742 |
| 226.200 | Amended  | HB 1742 |
| 226.781 | New      | HB 1742 |
| 226.783 | New      | HB 1742 |
| 231.466 | Repealed | SB 1001 |
| 238.060 | Amended  | SB 881  |
| 247.031 | Amended  | SB 741  |
| 247.170 | Amended  | SB 741  |
| 249.255 | Amended  | SB 741  |
| 249.422 | Amended  | SB 741  |
| 249.470 | Amended  | HB 1238 |
| 258.110 | New      | HB 1097 |
| 260.210 | Amended  | HB 1238 |
| 260.285 | Amended  | HB 1454 |
| 260.375 | Amended  | SB 577  |
| 260.380 | Amended  | SB 577  |

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| 260.391 | Amended | SB 577 |
| 260.395 | Amended | SB 577 |
| 260.475 | Amended | SB 577 |
| 260.479 | Amended | SB 577 |
| 260.480 | Amended | SB 577 |
| 260.500 | Amended | SB 577 |
| 260.535 | Amended | SB 577 |
| 260.546 | Amended | SB 577 |
| 260.569 | Amended | SB 577 |
| 260.900 | New     | SB 577 |
| 260.905 | New     | SB 577 |
| 260.910 | New     | SB 577 |
| 260.915 | New     | SB 577 |
| 260.920 | New     | SB 577 |
| 260.925 | New     | SB 577 |
| 260.930 | New     | SB 577 |
| 260.935 | New     | SB 577 |
| 260.940 | New     | SB 577 |
| 260.945 | New     | SB 577 |
| 260.950 | New     | SB 577 |
| 260.955 | New     | SB 577 |
| 260.960 | New     | SB 577 |
| 261.032 | New     | SB 894 |
| 261.037 | New     | SB 894 |
| 261.038 | New     | SB 894 |
| 261.110 | New     | SB 894 |

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| 262.260  | Amended  | SB 540  | 303.025 | Amended | HB 1797 |
| 278.080  | New      | SB 741  | 303.025 | Amended | HB 1948 |
| 278.130  | Amended  | SB 741  | 303.026 | Amended | HB 1797 |
| 278.135  | New      | SB 741  | 303.041 | Amended | HB 1797 |
| 287.889  | Repealed | SB 1001 | 303.042 | Amended | HB 1797 |
| 294.011  | Amended  | HB 1428 | 303.044 | Amended | HB 1797 |
| 301.004  | Repealed | SB 1001 | 303.406 | Amended | HB 1797 |
| 301.010  | Amended  | HB 1142 | 303.409 | Amended | HB 1797 |
| 301.010  | Amended  | HB 1142 | 303.409 | Amended | HB 1948 |
| 301.010  | Amended  | HB 1948 | 303.412 | Amended | HB 1797 |
| 301.020  | Amended  | SB 721  | 303.415 | Amended | HB 1797 |
| 301.025  | Amended  | HB 1797 | 304.170 | Amended | HB 1142 |
| 301.474  | New      | HB 1797 | 304.170 | Amended | HB 1142 |
| 301.475  | New      | HB 1797 | 304.170 | Amended | HB 1948 |
| 301.476  | New      | HB 1797 | 304.180 | Amended | HB 1948 |
| 301.600  | Amended  | SB 896  | 304.200 | Amended | HB 1142 |
| 301.3031 | New      | HB 1797 | 304.200 | Amended | HB 1142 |
| 301.3041 | New      | HB 1797 | 304.200 | Amended | HB 1948 |
| 301.3051 | New      | HB 1797 | 306.400 | Amended | SB 896  |
| 301.3053 | New      | HB 1797 | 306.410 | Amended | SB 896  |
| 301.3055 | New      | HB 1797 | 306.420 | Amended | SB 896  |
| 301.3062 | New      | HB 1797 | 311.070 | Amended | HB 1631 |
| 302.160  | Amended  | HB 1797 | 311.485 | Amended | HB 1631 |
| 302.171  | Amended  | SB 721  | 311.510 | Amended | HB 1631 |
| 302.178  | Amended  | HB 1797 | 311.540 | Amended | HB 1631 |
| 302.302  | Amended  | HB 1797 | 312.210 | Amended | HB 1631 |

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| 313.008 | Amended  | SB 902  |
| 313.270 | Amended  | SB 902  |
| 313.805 | Amended  | SB 902  |
| 313.807 | Amended  | SB 902  |
| 313.812 | Amended  | SB 902  |
| 313.815 | Amended  | SB 902  |
| 313.817 | Amended  | SB 902  |
| 313.820 | Amended  | SB 902  |
| 313.822 | Amended  | SB 902  |
| 313.825 | Amended  | SB 902  |
| 313.827 | Repealed | SB 902  |
| 313.830 | Amended  | SB 902  |
| 313.833 | New      | SB 902  |
| 313.835 | Amended  | SB 902  |
| 313.837 | Amended  | SB 902  |
| 313.842 | Amended  | SB 902  |
| 313.843 | New      | SB 902  |
| 316.203 | Amended  | HB 1434 |
| 316.204 | New      | HB 1434 |
| 316.205 | New      | HB 1434 |
| 316.209 | Amended  | HB 1434 |
| 316.210 | New      | HB 1434 |
| 316.235 | Repealed | SB 1001 |
| 321.223 | New      | HB 1967 |
| 321.509 | Repealed | SB 1001 |
| 324.130 | Amended  | HB 1848 |

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| 334.040 | Amended  | HB 1848 |
| 334.120 | Veto     | SB 921  |
| 334.128 | Veto     | SB 921  |
| 344.040 | Amended  | HB 1591 |
| 344.105 | New      | HB 1591 |
| 347.137 | Amended  | SB 896  |
| 347.141 | Amended  | SB 896  |
| 348.425 | Repealed | SB 1001 |
| 351.025 | Amended  | SB 896  |
| 351.055 | Amended  | SB 896  |
| 351.245 | Amended  | SB 896  |
| 351.300 | Amended  | SB 896  |
| 351.355 | Amended  | SB 896  |
| 351.482 | Amended  | SB 896  |
| 351.690 | Amended  | SB 896  |
| 353.020 | Amended  | HB 1238 |
| 354.065 | Amended  | SB 896  |
| 355.561 | Amended  | HB 1808 |
| 355.596 | Amended  | HB 1808 |
| 355.661 | Amended  | HB 1544 |
| 359.091 | Amended  | SB 896  |
| 359.451 | Amended  | SB 896  |
| 359.481 | Amended  | SB 896  |
| 361.230 | Amended  | SB 896  |
| 361.250 | Amended  | SB 896  |
| 361.390 | Amended  | SB 896  |

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| 361.440 | Amended | SB 896 |
| 361.470 | Amended | SB 896 |
| 361.520 | Amended | SB 896 |
| 361.540 | Amended | SB 896 |
| 361.600 | Amended | SB 896 |
| 362.025 | Amended | SB 896 |
| 362.035 | Amended | SB 896 |
| 362.042 | Amended | SB 896 |
| 362.060 | Amended | SB 896 |
| 362.105 | Amended | SB 896 |
| 362.115 | Amended | SB 896 |
| 362.116 | Amended | SB 896 |
| 362.119 | Amended | SB 896 |
| 362.170 | Amended | SB 896 |
| 362.172 | Amended | SB 896 |
| 362.235 | Amended | SB 896 |
| 362.245 | Amended | SB 896 |
| 362.325 | Amended | SB 896 |
| 362.440 | Amended | SB 896 |
| 362.450 | Amended | SB 896 |
| 362.464 | Amended | SB 896 |
| 362.600 | Amended | SB 896 |
| 362.680 | Amended | SB 896 |
| 362.700 | Amended | SB 896 |
| 362.710 | Amended | SB 896 |
| 362.730 | Amended | SB 896 |

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| 362.740  | Amended  | SB 896  |
| 362.750  | Amended  | SB 896  |
| 365.020  | Amended  | SB 896  |
| 369.219  | Amended  | SB 896  |
| 369.371  | New      | SB 896  |
| 375.017  | New      | SB 896  |
| 375.022  | Amended  | SB 896  |
| 375.065  | New      | SB 896  |
| 375.126  | Repealed | SB 896  |
| 375.347  | Veto     | HB 1596 |
| 375.347  | New      | SB 896  |
| 375.1312 | Amended  | HB 1677 |
| 376.300  | Amended  | HB 1739 |
| 376.350  | Amended  | SB 896  |
| 376.676  | New      | HB 1739 |
| 379.105  | Amended  | SB 896  |
| 381.003  | New      | SB 894  |
| 381.009  | New      | SB 894  |
| 381.011  | Repealed | SB 894  |
| 381.015  | New      | SB 894  |
| 381.018  | New      | SB 894  |
| 381.021  | Repealed | SB 894  |
| 381.022  | New      | SB 894  |
| 381.025  | New      | SB 894  |
| 381.028  | New      | SB 894  |
| 381.031  | Repealed | SB 894  |

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| 381.032 | New      | SB 894 |
| 381.035 | New      | SB 894 |
| 381.038 | New      | SB 894 |
| 381.041 | Repealed | SB 894 |
| 381.042 | New      | SB 894 |
| 381.045 | New      | SB 894 |
| 381.048 | New      | SB 894 |
| 381.051 | Repealed | SB 894 |
| 381.052 | New      | SB 894 |
| 381.055 | New      | SB 894 |
| 381.058 | New      | SB 894 |
| 381.061 | Repealed | SB 894 |
| 381.062 | New      | SB 894 |
| 381.065 | New      | SB 894 |
| 381.068 | New      | SB 894 |
| 381.072 | New      | SB 894 |
| 381.075 | New      | SB 894 |
| 381.078 | New      | SB 894 |
| 381.081 | Repealed | SB 894 |
| 381.085 | New      | SB 894 |
| 381.088 | New      | SB 894 |
| 381.091 | Repealed | SB 894 |
| 381.092 | New      | SB 894 |
| 381.095 | New      | SB 894 |
| 381.098 | New      | SB 894 |
| 381.101 | Repealed | SB 894 |

| SECTION | ACTION | BILL |
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|         |          |         |
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| 381.102 | New      | SB 894  |
| 381.105 | New      | SB 894  |
| 381.108 | New      | SB 894  |
| 381.111 | Repealed | SB 894  |
| 381.112 | New      | SB 894  |
| 381.115 | New      | SB 894  |
| 381.118 | New      | SB 894  |
| 381.121 | Repealed | SB 894  |
| 381.122 | New      | SB 894  |
| 381.125 | New      | SB 894  |
| 381.131 | Repealed | SB 894  |
| 381.141 | Repealed | SB 894  |
| 381.151 | Repealed | SB 894  |
| 381.161 | Repealed | SB 894  |
| 381.171 | Repealed | SB 894  |
| 381.181 | Repealed | SB 894  |
| 381.191 | Repealed | SB 894  |
| 381.201 | Repealed | SB 894  |
| 381.211 | Repealed | SB 894  |
| 381.221 | Repealed | SB 894  |
| 381.231 | Repealed | SB 894  |
| 381.241 | Repealed | SB 894  |
| 381.410 | Amended  | SB 894  |
| 381.412 | Amended  | SB 894  |
| 390.128 | New      | HB 1797 |
| 393.705 | Amended  | SB 894  |



| SECTION    | ACTION  | BILL    | SECTION  | ACTION   | BILL    |
|------------|---------|---------|----------|----------|---------|
| 393.715    | Amended | SB 894  | 407.2000 | New      | SB 896  |
| 400.03.312 | Amended | SB 896  | 407.2015 | New      | SB 896  |
| 407.020    | Amended | SB 763  | 407.2021 | New      | SB 896  |
| 407.025    | Amended | HB 1509 | 408.052  | Amended  | SB 896  |
| 407.125    | New     | SB 896  | 408.234  | Amended  | SB 896  |
| 407.850    | Amended | HB 1142 | 431.056  | New      | SB 757  |
| 407.850    | Amended | HB 1142 | 443.415  | Amended  | HB 1802 |
| 407.870    | Amended | HB 1142 | 443.415  | Amended  | SB 896  |
| 407.870    | Amended | HB 1142 | 453.005  | Amended  | SB 757  |
| 407.1070   | New     | SB 763  | 453.011  | New      | SB 757  |
| 407.1073   | New     | SB 763  | 454.1019 | Repealed | SB 1001 |
| 407.1076   | New     | SB 763  | 455.010  | Amended  | HB 1677 |
| 407.1079   | New     | SB 763  | 455.045  | Amended  | HB 1677 |
| 407.1082   | New     | SB 763  | 455.050  | Amended  | HB 1677 |
| 407.1085   | New     | SB 763  | 455.085  | Amended  | HB 1677 |
| 407.1095   | New     | SB 763  | 455.205  | Amended  | HB 1677 |
| 407.1098   | New     | SB 763  | 455.205  | Amended  | SB 1002 |
| 407.1101   | New     | SB 763  | 455.220  | Amended  | HB 1677 |
| 407.1107   | New     | SB 763  | 455.230  | Amended  | HB 1677 |
| 407.1110   | New     | SB 763  | 455.300  | New      | HB 1677 |
| 407.1113   | New     | SB 763  | 455.305  | New      | HB 1677 |
| 407.1300   | New     | SB 763  | 455.540  | Amended  | HB 1677 |
| 407.1310   | New     | SB 763  | 455.543  | Amended  | HB 1677 |
| 407.1320   | New     | SB 763  | 455.545  | Amended  | HB 1677 |
| 407.1330   | New     | SB 763  | 455.550  | New      | HB 1677 |
| 407.1340   | New     | SB 763  | 473.730  | Amended  | SB 542  |

| SECTION | ACTION | BILL |
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| 473.739 | Amended  | SB 542  |
| 473.742 | New      | SB 542  |
| 473.767 | Amended  | SB 542  |
| 475.060 | Amended  | SB 944  |
| 475.070 | Amended  | SB 944  |
| 476.053 | Amended  | SB 1002 |
| 476.053 | Amended  | SB 1002 |
| 476.687 | New      | HB 1808 |
| 476.690 | Amended  | HB 1808 |
| 478.401 | Amended  | SB 1002 |
| 479.261 | Amended  | SB 1002 |
| 479.261 | Amended  | SB 1002 |
| 483.591 | Amended  | SB 1002 |
| 485.100 | Amended  | SB 1002 |
| 485.120 | Amended  | SB 1002 |
| 487.170 | Amended  | SB 1002 |
| 488.023 | Repealed | SB 1001 |
| 488.024 | New      | SB 1002 |
| 488.032 | New      | SB 1002 |
| 488.035 | New      | SB 1002 |
| 488.040 | New      | SB 1002 |
| 488.045 | New      | SB 1002 |
| 488.064 | New      | SB 1002 |
| 488.435 | New      | SB 1002 |
| 488.470 | New      | SB 1002 |
| 488.472 | New      | SB 1002 |

| SECTION | ACTION | BILL |
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| 488.473  | New     | SB 1002 |
| 488.474  | New     | SB 1002 |
| 488.627  | New     | SB 1002 |
| 488.633  | New     | SB 1002 |
| 488.635  | New     | SB 1002 |
| 488.4014 | New     | SB 1002 |
| 488.5017 | New     | SB 1002 |
| 488.5320 | New     | SB 1002 |
| 488.5339 | New     | SB 1002 |
| 488.5342 | New     | SB 1002 |
| 488.5345 | New     | SB 1002 |
| 488.5356 | New     | SB 1002 |
| 488.5358 | New     | SB 1002 |
| 488.6697 | New     | SB 1002 |
| 491.074  | Amended | SB 757  |
| 513.430  | Amended | HB 1808 |
| 514.440  | Amended | SB 1002 |
| 514.450  | Amended | SB 1002 |
| 514.460  | Amended | SB 1002 |
| 525.080  | Amended | SB 896  |
| 525.230  | Amended | SB 896  |
| 525.233  | Amended | SB 896  |
| 525.240  | Amended | SB 896  |
| 525.250  | Amended | SB 896  |
| 537.340  | Amended | HB 1097 |
| 556.063  | New     | SB 757  |

| SECTION | ACTION | BILL |
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|         |          |         |
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| 559.115 | Amended  | SB 757  |
| 561.035 | Amended  | SB 1002 |
| 565.063 | Amended  | HB 1677 |
| 565.072 | New      | HB 1677 |
| 565.073 | New      | HB 1677 |
| 565.074 | New      | HB 1677 |
| 566.010 | Amended  | SB 757  |
| 566.025 | Amended  | SB 757  |
| 566.067 | Amended  | SB 757  |
| 566.068 | Amended  | SB 757  |
| 568.052 | New      | SB 757  |
| 568.065 | New      | SB 757  |
| 568.110 | Amended  | SB 757  |
| 569.093 | Repealed | SB 757  |
| 569.155 | New      | SB 944  |

| SECTION | ACTION | BILL |
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|         |          |         |
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| 570.145 | New      | HB 1386 |
| 571.030 | Amended  | SB 944  |
| 573.010 | Amended  | SB 757  |
| 573.020 | Amended  | SB 757  |
| 573.023 | New      | SB 757  |
| 573.025 | Amended  | SB 757  |
| 573.030 | Amended  | SB 757  |
| 573.035 | Amended  | SB 757  |
| 573.037 | Amended  | SB 757  |
| 573.040 | Amended  | SB 757  |
| 574.150 | New      | SB 944  |
| 577.048 | Amended  | SB 1002 |
| 577.053 | Repealed | SB 1001 |

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## HB 1101 [SCS HCS HB 1101]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: BOARD OF FUND COMMISSIONERS.**

AN ACT to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28, of the Constitution of Missouri for the purpose of funding each Department, Division, agency and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2000 and ending June 30, 2001, as follows:

**SECTION 1.010.** — To the Board of Fund Commissioners

For expenses incurred in processing state water pollution control,

stormwater control, third state building and fourth state building  
bonds

Personal Service. . . . . \$41,586

Expense and Equipment . . . . . 2,789

Paying agent and escrow agent fees and related expenses. . . . . 80,000E

From General Revenue Fund (Not to exceed 1.40 F.T.E.). . . . . \$124,375

**SECTION 1.020.** — To the Board of Fund Commissioners

For payment of arbitrage rebate and related expenses

From General Revenue Fund (0 F.T.E.). . . . . \$1E

**SECTION 1.030.** — To the Board of Fund Commissioners

For all expenditures associated with refunding of currently outstanding debt

From General Revenue Fund (0 F.T.E.). . . . . \$1E

**SECTION 1.035.** — There is transferred out of the State Treasury, chargeable

to the General Revenue Fund, Eighteen Million, Eight Hundred  
Nine Thousand, Seven Hundred Seventy-One Dollars

(\$18,809,771) to the Fourth State Building Bond and Interest

Fund for currently outstanding general obligations  
From General Revenue Fund. . . . . \$18,809,771

**SECTION 1.040.** — To the Board of Fund Commissioners  
For payment of interest and sinking fund requirements on Fourth  
State Building Bonds currently outstanding as provided by law  
From Fourth State Building Bond and Interest Fund (0 F.T.E.). . . . . \$18,876,358

**SECTION 1.045.** — There is transferred out of the State Treasury, chargeable  
to the General Revenue Fund, Thirty-Two Million, Five  
Hundred Ninety Thousand, Two Hundred Ninety-Four  
Dollars (\$32,590,294) to the Water Pollution Control Bond  
and Interest Fund for currently outstanding general obligations  
From General Revenue Fund. . . . . \$32,590,294

**SECTION 1.050.** — To the Board of Fund Commissioners  
For payment of interest and sinking fund requirements on water  
pollution control bonds currently outstanding as provided by law  
From Water Pollution Control Bond and Interest Fund (0 F.T.E.). . . . \$33,178,320

**SECTION 1.055.** — There is transferred out of the State Treasury, chargeable  
to the General Revenue Fund, One Million, Seven Hundred  
Thousand Dollars (\$1,700,000) to the Water Pollution Control  
Bond and Interest Fund for obligations to be authorized  
From General Revenue Fund. . . . . \$1,700,000

**SECTION 1.065.** — There is transferred out of the State Treasury, chargeable  
to the General Revenue Fund, One Million, Five Hundred  
Six Thousand, Two Hundred Eighty-Two Dollars  
(\$1,506,282) to the Stormwater Control Bond and Interest  
Fund for currently outstanding general obligations  
From General Revenue Fund. . . . . \$1,506,282

**SECTION 1.070.** — To the Board of Fund Commissioners  
For payment of interest and sinking fund requirements on stormwater  
control bonds to be outstanding as provided by law  
From Stormwater Control Bond and Interest Fund (0 F.T.E.). . . . . \$1,515,353

**SECTION 1.072.** — There is transferred out of the State Treasury, chargeable  
to the General Revenue Fund, Two Million, Five Hundred  
Seventy-Five Thousand Dollars (\$2,575,000) to the Stormwater  
Control Bond and Interest Fund for obligations to be authorized  
From General Revenue Fund. . . . . \$2,575,000

**SECTION 1.085.** — There is transferred out of the State Treasury,  
chargeable to the General Revenue Fund, Fifty Million,

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Five Hundred Forty-Eight Thousand, Three Hundred Thirteen  
Dollars (\$50,548,313) to the Third State Building Bond Interest  
and Sinking Fund for currently outstanding general obligations  
From General Revenue Fund. . . . . \$50,548,313

**SECTION 1.090.** — To the Board of Fund Commissioners  
For payment of interest and sinking fund requirements on third state  
building bonds currently outstanding as provided by law  
From Third State Building Bond Interest and Sinking Fund (0 F.T.E.). \$51,956,258

**SECTION 1.100.** — To the Board of Fund Commissioners  
For the cost of issuing stormwater control and water pollution  
control bonds  
From Stormwater Control Fund. . . . . \$150,000  
From Water Pollution Control Fund. . . . . 150,000  
Total (0 F.T.E.). . . . . \$300,000

**Bill Totals**

General Revenue Fund. . . . . \$107,854,037  
Other Funds. . . . . \$105,826,289  
Total. . . . . \$213,680,326

Approved June 28, 2000

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**HB 1102 [CCS SCS HCS HB 1102]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: STATE BOARD OF EDUCATION AND DEPARTMENT  
OF ELEMENTARY AND SECONDARY EDUCATION.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 2000 and ending June 30, 2001.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

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There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each Department, Division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2000 and ending June30, 2001, as follows:

**SECTION 2.005.** — To the Department of Elementary and Secondary Education  
For the Division of General Administration

|  |                  |
|--|------------------|
| Personal Service and/or Expense and Equipment  |                  |
| From General Revenue Fund. . . . .   | \$4,582,353      |
| From Federal Funds . . . . .   | 3,141,487        |
| From Lottery Proceeds Fund . . . . .   | 110,880          |
| From Excellence in Education Fund. . . . .   | 2,928,160        |
| For the purpose of funding enhancements to the computer<br>information systems for the Department of Elementary and<br>Secondary Education |                  |
| From Federal Funds. . . . .  | <u>3,000,000</u> |
| Total (Not to exceed 131.00 F.T.E.). . . . .   | \$13,762,880     |

**SECTION 2.010.** — To the Department of Elementary and Secondary Education  
For investments in registered federal, state, county, municipal,

and school district bonds as provided by law  
From State Public School Fund (0 F.T.E.). . . . . \$10,000,000E

**SECTION 2.015.** — To the Department of Elementary and Secondary Education  
For construction and site acquisition costs to accommodate any

reasonably anticipated net enrollment increase caused by  
any reduction or elimination of the voluntary transfer  
plan as approved by the United States Court of the  
Eastern District of Missouri pursuant to Senate Bill 781 (1998)  
From General Revenue Fund. . . . . \$25,000,000

For payments to the Metropolitan Schools Achieving Value in Transfer  
Corporation established by Section 162.1060, RSMo

|                                    |                   |
|------------------------------------|-------------------|
| From General Revenue Fund. . . . . | <u>25,000,000</u> |
| Total (0 F.T.E.). . . . .          | \$50,000,000      |

**SECTION 2.020.** — To the Department of Elementary and Secondary Education  
For distributions to the free public schools under the School

Foundation Program as provided in Chapter 163, RSMo, as  
follows: At least One Billion, Six Hundred Twenty-Nine Million  
Nine Hundred Seventy Thousand, Five Hundred Thirty-Seven  
Dollars (\$1,629,970,537) for the Equity Formula and no more  
than: Three Hundred Thirty-Three Million Dollars  
(\$333,000,000) for the Line 14 At-Risk Program; One  
Hundred Sixty-Two Million, Sixty-Seven Thousand, Seven

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Hundred Thirteen Dollars (\$162,067,713) for Transportation, provided that \$16,471,188 may be placed in the Capital Projects Fund; One Hundred Forty-Nine Million, Six Hundred Seventeen Thousand, Nine Hundred Eighty-Two Dollars (\$149,617,982) for Special Education; Eleven Million, Ninety-Six Thousand, Nine Hundred Twenty-Five Dollars (\$11,096,925) for Remedial Reading; Fifty-Seven Million, Three Hundred Forty-Six Thousand, Nine Hundred Eighty-Four Dollars (\$57,346,984) for Early Childhood Special Education; Twenty-Four Million, Six Hundred Seventy-One Thousand, Seven Hundred Fifty-Three Dollars (\$24,671,753) for Gifted Education; Thirty-Eight Million, Three Hundred Thirty-Seven Thousand, Seven Hundred Seventy-Four Dollars (\$38,337,774) for Career Ladder; Fifty-Five Million, One Hundred Eighty-Seven Thousand, Twenty-Eight Dollars (\$55,187,028) for Vocational Education; Thirty Million, Three Hundred Four Thousand, Six Hundred Fifty-One Dollars (\$30,304,651) for Early Childhood Development provided that for any district which has, for at least five years immediately preceding the year in which the error is discovered, adopted a calendar for the school term in which elementary schools are in session for twelve months of each calendar year, any error made in the apportionment of state aid to such district because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, RSMo, and subsection 1 of section 163.036, RSMo, except that if the amount paid exceeds the amount to which the district was actually entitled by more than five percent and the district provides written application to the state board requesting that the deductions be made pursuant to this section, then the amounts shall be deducted pursuant to this section. For deductions made pursuant to this section, interest at the rate of six percent shall be charged on the excess and shall be included in the amount deducted and the total amount of such excess plus accrued interest shall be deducted from the district's apportionment in equal monthly amounts beginning with the succeeding school year and extending for a period of months specified by the district in its written request and no longer than sixty months.

|  |               |
|--|---------------|
| From Outstanding Schools Trust Fund. . . . .                       | 498,808,152E  |
| From State School Moneys Fund. . . . .                             | 1,931,183,586 |
| From Lottery Proceeds Fund . . . . .                               | 58,509,609    |
| From Early Childhood Development, Education and Care Fund. . . . . | 3,100,000     |

For State Board of Education operated school programs

Personal Service and/or Expense and Equipment

|                                    |            |
|------------------------------------|------------|
| From General Revenue Fund. . . . . | 44,078,672 |
| From Federal Funds . . . . .       | 3,061,608  |

|  |                  |
|--|------------------|
| From Bingo Proceeds for Education Fund.....  | <u>1,707,167</u> |
| Total (Not to exceed 936.31 F.T.E.). . . . . | \$2,540,448,794  |

**SECTION 2.030.** — To the Department of Elementary and Secondary Education  
 For professional development programs for educators, including  
     funding for the Leadership in Educational Administration  
     Development Program and other professional development  
     programs, and Five Hundred Thousand Dollars  
     (\$500,000) for early grade literacy programs offered at  
     Southeast Missouri State University

|  |                |
|--|----------------|
| From General Revenue Fund. . . . .           | \$275,000      |
| From Federal Funds . . . . .                 | 50,000         |
| From Lottery Proceeds Fund . . . . .         | 145,000        |
| From Outstanding Schools Trust Fund. . . . . | <u>250,000</u> |
| Total (0 F.T.E.). . . . .                    | \$720,000      |

**SECTION 2.035.** — To the Department of Elementary and Secondary Education  
 For the School Food Services Program to reimburse schools for  
     breakfasts and lunches

|                                    |                     |
|------------------------------------|---------------------|
| From General Revenue Fund. . . . . | \$3,518,621         |
| From Federal Funds. . . . .        | <u>127,113,276E</u> |
| Total (0 F.T.E.). . . . .          | \$130,631,897       |

**SECTION 2.040.** — To the Department of Elementary and Secondary Education  
 For expenses of the Commission on Performance and for  
     curriculum frameworks and performance reporting pursuant  
     to the Outstanding Schools Act

|   |           |
|---|-----------|
| From Outstanding Schools Trust Fund (0 F.T.E.). . . . . | \$291,250 |
|---|-----------|

**SECTION 2.045.** — To the Department of Elementary and Secondary Education  
 For lease purchases pursuant to Sections 166.131 and 166.300,  
     RSMo, pertaining to the School Building Revolving Fund

|   |             |
|---|-------------|
| From School Building Revolving Fund (0 F.T.E.). . . . . | \$1,500,000 |
|---|-------------|

**SECTION 2.050.** — To the Department of Elementary and Secondary Education  
 For advisors' salaries as provided in Section 169.580, RSMo,  
     pertaining to the Special School Advisors Retirement  
     Supplement Program

|   |         |
|---|---------|
| From General Revenue Fund (0 F.T.E.). . . . . | \$2,500 |
|---|---------|

**SECTION 2.055.** — To the Department of Elementary and Secondary Education  
 For distributions to the public elementary and secondary schools  
     in this state, pursuant to Chapters 149 and 163, RSMo,  
     pertaining to the Fair Share Fund

|  |               |
|--|---------------|
| From Fair Share Fund (0 F.T.E.). . . . . | \$24,300,000E |
|--|---------------|

**SECTION 2.060.** — To the Department of Elementary and Secondary Education  
For distributions to the public elementary and secondary schools  
in this state, pursuant to Chapters 144, 163, and 164, RSMo,  
pertaining to the School District Trust Fund  
From School District Trust Fund (0 F.T.E.). . . . . \$675,000,000E

**SECTION 2.065.** — To the Department of Elementary and Secondary Education  
For the apportionment to school districts, and state board operated  
school programs for expense and equipment, one-half the  
amount accruing to the General Revenue Fund from the  
County Foreign Insurance Tax  
From General Revenue Fund (0 F.T.E.). . . . . \$77,000,000E

**SECTION 2.070.** — To the Department of Elementary and Secondary Education  
For costs associated with school district bonds  
From School District Bond Fund (0 F.T.E.). . . . . \$7,000,000

**SECTION 2.075.** — To the Department of Elementary and Secondary Education  
For receiving and expending donations and federal funds provided  
that the General Assembly shall be notified of the source  
of any new funds and the purpose for which they shall be  
expended, in writing, prior to the expenditure of said funds  
From Federal Funds and Other Funds (0 F.T.E.). . . . . \$15,000,000

**SECTION 2.080.** — To the Department of Elementary and Secondary Education  
For the Divisions of Instruction, Urban and Teacher Education,  
Vocational and Adult Education, and Special Education  
Personal Service and/or Expense and Equipment  
From General Revenue Fund. . . . . \$5,034,965  
From Federal Funds . . . . . 8,351,478  
From Outstanding Schools Trust Fund. . . . . 312,092  
From Video Instructional Development and Educational  
Opportunity Fund. . . . . 135,786  
Total (Not to exceed 260.50 F.T.E.). . . . . \$13,834,321

**SECTION 2.085.** — To the Department of Elementary and Secondary Education  
For improving services to Missouri children through activities  
under the Goals 2000: Educate America Act  
From Federal Funds (0 F.T.E.). . . . . \$16,000,000

**SECTION 2.090.** — To the Department of Elementary and Secondary Education  
For the Video Instructional Development and Educational  
Opportunity Program, state-supported institutions of higher  
education, public television stations, and state board operated  
schools for expense and equipment and instruction; and  
for the development and purchase of instructional programs

transmitted through the airwaves or by cable television that are  
 available for all residents of this state without charge pursuant  
 to Chapter 170, RSMo pertaining to the Video Instructional  
 Development and Educational Opportunity Program  
 From Video Instructional Development and Educational Opportunity  
 Fund (0 F.T.E.). . . . . \$1,091,081

**SECTION 2.095.** — To the Department of Elementary and Secondary Education  
 For the New Technology Grants Program pursuant to the  
 Outstanding Schools Act and for planning and  
 implementing computer network infrastructure for public  
 elementary and secondary schools in this state, including  
 computer access to the Department of Elementary and  
 Secondary Education and to improve the use of classroom  
 technology

From General Revenue Fund. . . . . \$20,831,250  
 From Federal Funds . . . . . 7,900,000  
 From Lottery Proceeds Fund. . . . . 500,000  
 Total (0 F.T.E.). . . . . \$29,231,250

**SECTION 2.100.** — To the Department of Elementary and Secondary Education  
 For improving basic programs operated by local education  
 agencies under Title I of the Improving America's Schools Act

From Federal Funds (0 F.T.E.). . . . . \$164,000,000

**SECTION 2.105.** — To the Department of Elementary and Secondary Education  
 For innovative educational program strategies under Title VI of the  
 Improving America's Schools Act

From Federal Funds (0 F.T.E.). . . . . \$31,900,000

**SECTION 2.110.** — To the Department of Elementary and Secondary Education  
 For programs for the gifted from interest earnings accruing  
 in the Stephen Morgan Ferman Memorial for Education  
 of the Gifted

From State School Moneys Fund (0 F.T.E.). . . . . \$10,000E

**SECTION 2.115.** — To the Department of Elementary and Secondary Education  
 For the Missouri Scholars and Fine Arts Academies

From General Revenue Fund. . . . . \$631,319  
 From Lottery Proceeds Fund. . . . . 158,156  
 Total (0 F.T.E.). . . . . \$789,475

**SECTION 2.117.** — To the Department of Elementary and Secondary Education  
 For the Middle School Leadership Academy Program

From General Revenue Fund (0 F.T.E.). . . . . \$10,000

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**SECTION 2.125.** — To the Department of Elementary and Secondary Education  
For the High School Science, Mathematics, and Technology  
Institute, offered through the University of Missouri at  
Kansas City College of Arts and Sciences, and that 25  
percent of the appropriated funds be expended for minority  
children

From General Revenue Fund (0 F.T.E.). . . . . \$100,000

**SECTION 2.130.** — To the Department of Elementary and Secondary Education  
For the purpose of funding a 50 percent match for funds  
provided to the University of Missouri-Columbia by the  
National Geographic Society to improve geography  
curriculum and teaching methods

From General Revenue Fund (0 F.T.E.). . . . . \$50,000

**SECTION 2.135.** — To the Department of Elementary and Secondary Education  
For reimbursements to school districts for the Early Childhood  
Program and Hard-to-Reach Incentives and Parent  
Education in conjunction with the Early Childhood Educational  
and Screening Program

From General Revenue Fund. . . . . \$86,118

From Federal Funds . . . . . 824,000

From State School Moneys Fund. . . . . 125,000

For grants to higher education institutions or area vocational  
technical schools for the Child Development Associate  
Certificate Program in collaboration with the Coordinating  
Board for Higher Education

From Federal Funds . . . . . 300,000

For grants for any Early Childhood Development,  
Education and Care Program and the evaluation in conjunction  
with the Department of Social Services as required by Section  
313.835, RSMo, including up to \$25,000 in expense and  
equipment for program administration

From Early Childhood Development, Education and Care Fund. . . . . 21,250,000

Total (0 F.T.E.). . . . . \$22,585,118

**SECTION 2.140.** — To the Department of Elementary and Secondary Education  
For competitive matching and non-matching grants to successful  
applicants, including state board operated school programs,  
and for expenses under the Incentives for School Excellence  
Program pursuant to the Excellence in Education Act

From Lottery Proceeds Fund (0 F.T.E.). . . . . \$2,000,000

**SECTION 2.145.** — To the Department of Elementary and Secondary Education  
For the Pupil Testing Program pursuant to the Excellence in

## Education Act and the Outstanding Schools Act

|  |                |
|--|----------------|
| From General Revenue Fund. . . . .           | \$12,624,656   |
| From Outstanding Schools Trust Fund. . . . . | 128,125        |
| From Lottery Proceeds Fund. . . . .          | <u>686,073</u> |
| Total (0 F.T.E.). . . . .                    | \$13,438,854   |

**SECTION 2.150.** — To the Department of Elementary and Secondary Education  
For courses, exams, and other expenses that lead to high school students  
receiving college credit

|                                     |                |
|-------------------------------------|----------------|
| From General Revenue Fund. . . . .  | \$563,524      |
| From Lottery Proceeds Fund. . . . . | <u>500,000</u> |
| Total (0 F.T.E.). . . . .           | \$1,063,524    |

**SECTION 2.155.** — To the Department of Elementary and Secondary Education  
For the Instructional Improvement Grants Program pursuant to  
Title II of the Dwight D. Eisenhower Professional  
Development Program

|  |              |
|--|--------------|
| From Federal Funds (0 F.T.E.). . . . . | \$26,000,000 |
|--|--------------|

**SECTION 2.160.** — To the Department of Elementary and Secondary Education  
For the Safe and Drug Free Schools Grants Program pursuant to  
Title IV of the Improving America's Schools Act

|  |             |
|--|-------------|
| From Federal Funds (0 F.T.E.). . . . . | \$7,600,000 |
|--|-------------|

**SECTION 2.165.** — To the Department of Elementary and Secondary Education  
For a Safe Schools Initiative to include, but not be limited to, safe  
school grants, alternative education program grants, equipment,  
anti-violence curriculum development, and conflict resolution

|                                     |                  |
|-------------------------------------|------------------|
| From General Revenue Fund. . . . .  | \$5,300,000      |
| From Lottery Proceeds Fund. . . . . | <u>4,000,000</u> |
| Total (0 F.T.E.). . . . .           | \$9,300,000      |

**SECTION 2.170.** — To the Department of Elementary and Secondary Education  
For the Public Charter Schools Program

|                                    |                  |
|------------------------------------|------------------|
| From General Revenue Fund. . . . . | \$200,000        |
| From Federal Funds. . . . .        | <u>2,432,000</u> |
| Total (0 F.T.E.). . . . .          | \$2,632,000      |

**SECTION 2.175.** — To the Department of Elementary and Secondary Education  
For the state's portion of the Scholarship Program for teacher education  
students in approved programs at four-year colleges or universities  
in Missouri pursuant to the Excellence in Education Act

|                                    |           |
|------------------------------------|-----------|
| From General Revenue Fund. . . . . | \$249,000 |
|------------------------------------|-----------|

For the state's portion for scholarships for minority students pursuant to  
Section 161.415, RSMo

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|                                     |                |
|-------------------------------------|----------------|
| From Lottery Proceeds Fund. . . . . | <u>200,000</u> |
| Total (0 F.T.E.). . . . .           | \$449,000      |

**SECTION 2.180.** — To the Department of Elementary and Secondary Education  
For the Missouri Council on Economic Education  
From General Revenue Fund (0 F.T.E.). . . . . \$13,950

**SECTION 2.185.** — To the Department of Elementary and Secondary Education  
For the Caring Communities Program  
From General Revenue Fund. . . . . \$2,316,667  
From Federal Funds . . . . . 1,158,333  
From Lottery Proceeds Fund. . . . . 550,000  
Total (0 F.T.E.). . . . . \$4,025,000

**SECTION 2.186.** — To the Department of Elementary and Secondary Education  
For grants to schools for reading assessment and early grade intervention  
strategies  
From Lottery Proceeds Fund. . . . . \$6,700,000  
  
For the purpose of funding the Urban and Rural Leadership experience  
From General Revenue Fund. . . . . 73,000  
Total (0 F.T.E.). . . . . \$6,773,000

**SECTION 2.187.** — To the Department of Elementary and Secondary Education  
For grants to public schools for whole-school, research-based reform  
programs  
From Federal Funds (0 F.T.E.). . . . . \$3,750,000

**SECTION 2.188.** — To the Department of Elementary and Secondary Education  
For Advanced Placement examination fees for eligible children of  
low-income families  
From Federal Funds (0 F.T.E.). . . . . \$62,250

**SECTION 2.189.** — To the Department of Elementary and Secondary Education  
For the National Board Certification Program  
From General Revenue Fund (0 F.T.E.). . . . . \$97,500

**SECTION 2.190.** — To the Department of Elementary and Secondary Education  
For the Division of Vocational Rehabilitation  
Personal Service and/or Expense and Equipment  
From General Revenue Fund. . . . . \$83,260  
From Federal Funds. . . . . 28,293,473  
Total (Not to exceed 696.00 F.T.E.). . . . . \$28,376,733

**SECTION 2.195.** — To the Department of Elementary and Secondary Education  
For the Vocational Rehabilitation Program

---

|  |                  |
|--|------------------|
| From General Revenue Fund. . . . .                         | \$9,724,825      |
| From Federal Funds . . . . .                               | 30,256,700       |
| From Payments by the Department of Mental Health . . . . . | 1,000,000        |
| From Lottery Proceeds Fund. . . . .                        | <u>1,400,000</u> |
| Total (0 F.T.E.). . . . .                                  | \$42,381,525     |

**SECTION 2.200.** — To the Department of Elementary and Secondary Education  
For the Independent Living Program

|                                    |                |
|------------------------------------|----------------|
| From General Revenue Fund. . . . . | \$33,225       |
| From Federal Funds. . . . .        | <u>231,913</u> |
| Total (0 F.T.E.). . . . .          | \$265,138      |

**SECTION 2.205.** — To the Department of Elementary and Secondary Education  
For the Disability Determination Program

|  |              |
|--|--------------|
| From Federal Funds (0 F.T.E.). . . . . | \$18,000,000 |
|--|--------------|

**SECTION 2.210.** — To the Department of Elementary and Secondary Education  
For the Personal Care Assistance Program

|                                    |                   |
|------------------------------------|-------------------|
| From General Revenue Fund. . . . . | \$8,913,420       |
| From Federal Funds. . . . .        | <u>6,850,999E</u> |
| Total (0 F.T.E.). . . . .          | \$15,764,419      |

**SECTION 2.215.** — To the Department of Elementary and Secondary Education  
For Independent Living Centers

|  |                |
|--|----------------|
| From General Revenue Fund. . . . .           | \$2,785,991    |
| From Federal Funds . . . . .                 | 1,060,633      |
| From Independent Living Center Fund. . . . . | <u>210,000</u> |
| Total (0 F.T.E.). . . . .                    | \$4,056,624    |

**SECTION 2.220.** — To the Department of Elementary and Secondary Education  
For distributions to providers of Vocational Education Programs

|  |              |
|--|--------------|
| From Federal Funds (0 F.T.E.). . . . . | \$32,064,693 |
|--|--------------|

**SECTION 2.225.** — To the Department of Elementary and Secondary Education  
For job training programs pursuant to the Workforce Investment Act

|  |              |
|--|--------------|
| From Federal Funds (0 F.T.E.). . . . . | \$6,797,937E |
|--|--------------|

**SECTION 2.230.** — To the Department of Elementary and Secondary Education  
For distributions to educational institutions for the Adult Basic  
Education Program

|  |                |
|--|----------------|
| From General Revenue Fund. . . . .           | \$4,279,293    |
| From Federal Funds . . . . .                 | 12,500,000     |
| From Outstanding Schools Trust Fund. . . . . | <u>525,313</u> |
| Total (0 F.T.E.). . . . .                    | \$17,304,606   |

**SECTION 2.235.** — To the Department of Elementary and Secondary Education

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For the purpose of funding programs in response to changes in federal fiscal policies with regard to welfare reform. No funds appropriated herein may be expended until a utilization plan has been received and reviewed by both the House Budget Committee Chair and the Senate Appropriations Committee Chair.

For a grant award program for literacy and family literacy providers that offer services that are complementary to adult basic education

From General Revenue Fund (0 F.T.E.). . . . . \$1,384,991

**SECTION 2.240.** — To the Department of Elementary and Secondary Education  
For the A+ Schools Program pursuant to the Outstanding Schools Act

From General Revenue Fund. . . . . \$18,172,000

**SECTION 2.245.** — To the Department of Elementary and Secondary Education  
For the School Age Child Care Program

From General Revenue Fund. . . . . \$275,000

From Federal Funds.. . . . 1,700,000

Total (0 F.T.E.). . . . . \$1,975,000

**SECTION 2.246.** — To the Department of Elementary and Secondary Education  
For the Troops to Teachers Program

Personal Service and/or Expense and Equipment

From Federal Funds (0 F.T.E.). . . . . \$50,000

**SECTION 2.250.** — To the Department of Elementary and Secondary Education  
For the Special Education Program

From Federal Funds (0 F.T.E.). . . . . \$112,700,000

**SECTION 2.255.** — To the Department of Elementary and Secondary Education  
For Special Education Excess Costs and Severe Disabilities Services

From Federal Funds.. . . . \$500,000

From State School Moneys Fund. . . . . 800,000

Total (0 F.T.E.). . . . . \$1,300,000

**SECTION 2.260.** — To the Department of Elementary and Secondary Education  
For the First Steps Program

From General Revenue Fund. . . . . \$2,267,839

From Federal Funds.. . . . 6,730,000

Total (0 F.T.E.). . . . . \$8,997,839

**SECTION 2.265.** To the Department of Elementary and Secondary Education  
For payments to school districts for children in residential placements

through the Department of Mental Health or the Division of

Family Services pursuant to Section 167.126, RSMo

From General Revenue Fund (0 F.T.E.). . . . . \$5,259,396

**SECTION 2.270.** — To the Department of Elementary and Secondary Education  
For operational maintenance and repairs for State Board of Education  
operated schools

|                                     |                |
|-------------------------------------|----------------|
| From General Revenue Fund. . . . .  | \$57,950       |
| From Lottery Proceeds Fund. . . . . | <u>370,000</u> |
| Total (0 F.T.E.). . . . .           | \$427,950      |

**SECTION 2.275.** — To the Department of Elementary and Secondary Education  
For the Missouri Special Olympics Program

|   |           |
|---|-----------|
| From General Revenue Fund (0 F.T.E.). . . . . | \$100,000 |
|---|-----------|

**SECTION 2.280.** — To the Department of Elementary and Secondary Education  
For the Sheltered Workshop Program

|   |              |
|---|--------------|
| From General Revenue Fund (0 F.T.E.). . . . . | \$19,636,734 |
|---|--------------|

**SECTION 2.285.** — To the Department of Elementary and Secondary Education  
For payments to readers for blind or visually handicapped students in  
elementary and secondary schools

|  |               |
|--|---------------|
| From General Revenue Fund. . . . .     | \$14,000      |
| From State School Moneys Fund. . . . . | <u>25,000</u> |
| Total (0 F.T.E.). . . . .              | \$39,000      |

**SECTION 2.286.** — To the Department of Elementary and Secondary Education  
For the task force on blind student academic and vocational performance

|   |          |
|---|----------|
| From General Revenue Fund (0 F.T.E.). . . . . | \$95,000 |
|---|----------|

**SECTION 2.290.** — To the Department of Elementary and Secondary Education  
For the Missouri School for the Deaf

|   |           |
|---|-----------|
| From School for the Deaf Trust Fund (0 F.T.E.). . . . . | \$25,000E |
|---|-----------|

**SECTION 2.295.** — To the Department of Elementary and Secondary Education  
For the Missouri School for the Blind

|  |              |
|--|--------------|
| From School for the Blind Trust Fund (0 F.T.E.). . . . . | \$1,500,000E |
|--|--------------|

**SECTION 2.300.** — To the Department of Elementary and Secondary Education  
For the State Schools for Severely Handicapped Children

|   |           |
|---|-----------|
| From School for the Severely Handicapped Trust Fund (0 F.T.E.). . . . . | \$30,000E |
|---|-----------|

**SECTION 2.305.** — To the Department of Elementary and Secondary Education  
For the State Occupational Information Coordinating Committee

|                                    |               |
|------------------------------------|---------------|
| Personal Service. . . . .          | \$127,192     |
| Expense and Equipment. . . . .     | <u>24,684</u> |
| From General Revenue Fund. . . . . | 151,876       |

Expense and Equipment

|   |                |
|---|----------------|
| From Federal Funds and Other Funds. . . . . | <u>125,000</u> |
|---|----------------|

Total (Not to exceed 3.00 F.T.E.). . . . . \$276,876

**SECTION 2.310.** — To the Department of Elementary and Secondary Education  
For the Missouri Commission for the Deaf

Personal Service and/or Expense and Equipment  
From General Revenue Fund. . . . . \$353,573

Expense and Equipment  
From Federal Funds . . . . . 50,000  
From Certification of Interpreter Fund. . . . . 87,000  
Total (Not to exceed 7.00 F.T.E.). . . . . \$490,573

**SECTION 2.315.** — To the Department of Elementary and Secondary Education

There is transferred out of the State Treasury, chargeable to  
the General Revenue Fund, One Billion, Six Hundred  
Sixty-Four Million, Three Hundred Two Thousand, Six  
Hundred Forty-Five Dollars (\$1,664,302,645) to the State  
School Moneys Fund  
From General Revenue Fund. . . . . \$1,664,302,645

**SECTION 2.320.** — To the Department of Elementary and Secondary Education

There is transferred out of the State Treasury, chargeable to the  
Gaming Proceeds for Education Fund, One Hundred Eighty  
Million, Two Hundred Thousand Dollars (\$180,200,000) to  
the State School Moneys Fund  
From Gaming Proceeds for Education Fund. . . . . \$180,200,000E

**SECTION 2.325.** — To the Department of Elementary and Secondary Education

There is transferred out of the State Treasury, chargeable to the  
General Revenue Fund, One Million, Two Hundred Fifty-Three  
Thousand, Two Hundred Twenty-Four Dollars (\$1,253,224)  
to the Video Instructional Development and Educational  
Opportunity Fund  
From General Revenue Fund. . . . . \$1,253,224E

**SECTION 2.330.** — To the Department of Elementary and Secondary Education

There is transferred out of the State Treasury, chargeable to the  
General Revenue Fund, Four Hundred Thirteen Million, Four  
Hundred Thousand Dollars (\$413,400,000) to the Outstanding  
Schools Trust Fund  
From General Revenue Fund. . . . . \$413,400,000E

**SECTION 2.335.** — To the Department of Elementary and Secondary Education

There is transferred out of the State Treasury, chargeable to the  
Gaming Proceeds for Education Fund, Seven Million Dollars  
(\$7,000,000) to the School District Bond Fund

From Gaming Proceeds for Education Fund. . . . . \$7,000,000

**Bill Totals**

|                              |                        |
|------------------------------|------------------------|
| General Revenue Fund.. . . . | \$2,380,183,337        |
| Federal Funds.. . . .        | \$680,555,780          |
| Other Funds. . . . .         | <u>\$1,179,196,561</u> |
| Total.. . . .                | \$4,239,935,678        |

Approved June 28, 2000

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### HB 1103 [CCS SCS HCS HB 1103]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

#### **APPROPRIATIONS: DEPARTMENT OF HIGHER EDUCATION.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each Department, Division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2000 and ending June30, 2001, as follows:

#### **SECTION 3.005.** — To the Department of Higher Education

For Higher Education Coordination

Personal Service and/or Expense and Equipment

From General Revenue Fund (Not to exceed 23.35 F.T.E.). . . . . \$1,325,949

#### **SECTION 3.010.** — To the Department of Higher Education

For regulation of proprietary schools as provided in Section 173.600, RSMo

Personal Service. . . . . \$163,059

Expense and Equipment. . . . . 61,029

From General Revenue Fund (Not to exceed 4.00 F.T.E.). . . . . \$224,088

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**SECTION 3.011.** — To the Department of Higher Education  
For indemnifying individuals as a result of improper actions on the part  
of proprietary schools as provided in Section 173.612, RSMo  
From Proprietary School Bond Fund (0 F.T.E.). . . . . \$100,000

**SECTION 3.015.** — To the Department of Higher Education  
For annual membership in the Midwestern Higher Education Commission  
From General Revenue Fund (0 F.T.E.). . . . . \$75,000

**SECTION 3.020.** — To the Department of Higher Education  
For contracts with public universities and reciprocal agreements with  
other states as provided in Section 173.051, RSMo  
From General Revenue Fund (0 F.T.E.). . . . . \$250,000

**SECTION 3.025.** — To the Department of Higher Education  
For the Common Library Platform  
From General Revenue Fund (0 F.T.E.). . . . . \$3,401,845

**SECTION 3.030.** — To the Department of Higher Education  
For the State Anatomical Board  
From General Revenue Fund (0 F.T.E.). . . . . \$3,069

**SECTION 3.035.** — To the Department of Higher Education  
For the Eisenhower Science and Mathematics Program  
Personal Service. . . . . \$56,615  
Expense and Equipment . . . . . 20,400  
Federal Education Programs . . . . . 1,698,000

For statewide initiatives  
Personal Service. . . . . 55,959  
Expense and Equipment . . . . . 242,105  
Federal Education Programs. . . . . 2,215,000  
From Federal Funds (Not to exceed 2.00 F.T.E.). . . . . \$4,288,079

**SECTION 3.040.** — To the Department of Higher Education  
For MOSTARS Grant and Scholarship Program Administration  
Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 7.60 F.T.E.). . . . . \$492,653

**SECTION 3.044.** — To the Department of Higher Education  
There is transferred out of the State Treasury, chargeable to the  
General Revenue Fund, Fifteen Million, Seven Hundred  
Eighty-Seven Thousand Dollars (\$15,787,000) to the Academic  
Scholarship Fund  
From General Revenue Fund (0 F.T.E.). . . . . \$15,787,000

**SECTION 3.045.** — To the Department of Higher Education  
For the Higher Education Academic Scholarship Program as provided  
in Chapter 173, RSMo  
From Academic Scholarship Fund (0 F.T.E.). . . . . \$15,787,000E

**SECTION 3.049.** — To the Department of Higher Education  
There is transferred out of the State Treasury, chargeable to the funds  
listed below, to the Student Grant Fund  
From General Revenue Fund. . . . . \$15,578,436  
From Federal Funds . . . . . 1,000,000  
From Missouri Student Grant Program Gift Fund. . . . . 50,000  
Total (0 F.T.E.). . . . . \$16,628,436

**SECTION 3.050.** — To the Department of Higher Education  
For implementing the provisions of Chapter 173, RSMo,  
Charles E. Gallagher Grants (Student Grants)  
From Student Grant Fund (0 F.T.E.). . . . . \$16,628,436E

**SECTION 3.053.** — To the Department of Higher Education  
There is transferred out of the State Treasury, chargeable to the  
General Revenue Fund, Four Million, Nine Hundred Thousand  
Dollars (\$4,900,000) to the Missouri College Guarantee Fund  
From General Revenue Fund (0 F.T.E.). . . . . \$4,900,000

**SECTION 3.054.** — To the Department of Higher Education  
For the Missouri College Guarantee Program pursuant to Chapter 173,  
RSMo  
From Missouri College Guarantee Fund (0 F.T.E.). . . . . \$8,460,000

**SECTION 3.055.** — To the Department of Higher Education  
There is transferred out of the State Treasury, chargeable to the  
General Revenue Fund, Two Million, Nine Hundred Thirty  
Thousand, Nine Hundred Sixty-Nine Dollars (\$2,930,969)  
to the Advantage Missouri Trust Fund  
From General Revenue Fund (0 F.T.E.). . . . . \$2,930,969

**SECTION 3.056.** — To the Department of Higher Education  
For the Advantage Missouri Program pursuant to Chapter 173, RSMo  
From Advantage Missouri Trust Fund (0 F.T.E.). . . . . \$2,930,969E

**SECTION 3.060.** — To the Department of Higher Education  
For the Public Service Officer or Employee Survivor Grant Program  
pursuant to Section 173.260, RSMo  
From General Revenue Fund. . . . . \$45,000

**SECTION 3.065.** — To the Department of Higher Education

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For the Vietnam Veterans Survivors Scholarship Program pursuant to  
 Section 173.235, RSMo  
 From General Revenue Fund (0 F.T.E.) . . . . . \$15,000

**SECTION 3.078.** — To the Department of Higher Education  
 There is transferred out of the State Treasury, chargeable to the  
 General Revenue Fund, Five Hundred Thousand Dollars  
 (\$500,000) to the Marguerite Ross Barnett Scholarship Fund  
 From General Revenue Fund (0 F.T.E.) . . . . . \$500,000

**SECTION 3.080.** — To the Department of Higher Education  
 For the Marguerite Ross Barnett Scholarship Program pursuant to  
 Section 173.262, RSMo  
 From Marguerite Ross Barnett Scholarship Fund (0 F.T.E.) . . . . . \$500,000E

**SECTION 3.083.** — To the Department of Higher Education  
 There is transferred out of the State Treasury, chargeable to the  
 Federal Student Loan Reserve Fund, Six Million, Four  
 Hundred Eighty-Four Thousand, Three Hundred Thirty-Four  
 Dollars (\$6,484,334) to the U.S. Department of  
 Education/Coordinating Board for Higher Education P.L.  
 105-33 recall account  
 From Federal Student Loan Reserve Fund (0 F.T.E.) . . . . . \$6,484,334E

**SECTION 3.085.** — To the Department of Higher Education  
 For the Missouri Guaranteed Student Loan Program  
 Personal Service and/or Expense and Equipment  
 From General Revenue Fund. . . . . \$5,720  
 From Guaranty Agency Operating Fund. . . . . 8,119,081  
 From U.S. Department of Education/Coordinating Board for  
 Higher Education P.L. 105-33 interest account. . . . . 1,401,801  
 Total (Not to exceed 45.33 F.T.E.) . . . . . \$9,526,602

**SECTION 3.086.** — To the Department of Higher Education  
 For the purchase of defaulted loans, payment of default aversion  
 fees, reimbursement to the federal government, and investment  
 of funds of the Federal Student Loan Reserve Fund  
 From Federal Student Loan Reserve Fund (0 F.T.E.) . . . . . \$85,000,000

**SECTION 3.087.** — To the Department of Higher Education  
 For the payment of refunds set off against debt as required by Section  
 43.786, RSMo  
 From Debt Offset Escrow Fund (0 F.T.E.) . . . . . \$750,000E

**SECTION 3.089.** — To the Department of Higher Education  
 There is transferred out of the State Treasury, chargeable to the

Guaranty Agency Operating Fund, Twenty Million Dollars  
 (\$20,000,000) to the Federal Student Loan Reserve Fund  
 From Guaranty Agency Operating Fund (0 F.T.E.) . . . . . \$20,000,000E

**\*SECTION 3.090.** — To the Department of Higher Education

For distribution to community colleges as provided in Section 163.191,  
 RSMo

From General Revenue Fund. . . . . \$98,448,633  
 From Lottery Proceeds Fund . . . . . 4,849,155

For the provision of long-term goals of the Instructional Support Center  
 at Jefferson Community College to provide consortium faculty  
 development centers at East Central Community College,  
 St. Charles County Community College, and Mineral Area  
 Community College, and to provide expanded development  
 resources for faculty members  
 From General Revenue Fund. . . . . 300,000

For selected out-of-district courses  
 From General Revenue Fund. . . . . 1,480,566

For workforce preparation projects  
 From General Revenue Fund. . . . . 18,340,720  
 From Lottery Proceeds Fund . . . . . 1,480,392

For program improvements in workforce preparation with the emphasis  
 to provide education and training at community colleges  
 for unemployed and under-employed citizens  
 From General Revenue Fund. . . . . 2,000,000

For Regional Technical Education Initiatives  
 From General Revenue Fund. . . . . 25,000,000  
 Total. . . . . \$151,899,466

\*I hereby veto \$50,000 general revenue for Crowder College to offer out-of-district  
 classes at Mt. Vernon. This expansion of services was neither requested by the  
 institution nor recommended by the Coordinating Board for Higher Education, and was  
 not part of my budget recommendations. Such review is essential to ensure that state  
 resources are allocated in the most cost-effective manner. This veto is necessary to  
 ensure a balanced budget.

For selected out-of-district courses by \$50,000 from \$1,480,566 to \$1,430,566 general  
 revenue.  
 From \$151,899,466 to \$151,849,466 in total for the section.

MEL CARNAHAN, Governor



**SECTION 3.091.** — To the Department of Higher Education

For community colleges

For the payment of refunds set off against debt as required by Section

143.786, RSMo

From Debt Offset Escrow Fund (0 F.T.E.). . . . . \$250,000E

**SECTION 3.095.** — To Linn State Technical College

All Expenditures

From General Revenue Fund. . . . . \$5,510,528

For the payment of refunds set off against debt as required by Section

143.786, RSMo

From Debt Offset Escrow Fund. . . . . 30,000E

Total. . . . . \$5,540,528

**SECTION 3.100.** — To Central Missouri State University

All Expenditures

From General Revenue Fund. . . . . \$55,855,469

From Lottery Proceeds Fund . . . . . 5,844,752

For the payment of refunds set off against debt as required by Section

43.786, RSMo

From Debt Offset Escrow Fund. . . . . 75,000E

Total. . . . . \$61,775,221

**SECTION 3.105.** — To Southeast Missouri State University

All Expenditures

From General Revenue Fund. . . . . \$45,285,662

From Lottery Proceeds Fund . . . . . 5,167,374

For the payment of refunds set off against debt as required by Section

143.786, RSMo

From Debt Offset Escrow Fund. . . . . 75,000E

Total. . . . . \$50,528,036

**SECTION 3.110.** — To Southwest Missouri State University

All Expenditures

From General Revenue Fund. . . . . \$77,761,325

From Lottery Proceeds Fund . . . . . 9,560,091

For the payment of refunds set off against debt as required by Section

143.786, RSMo

From Debt Offset Escrow Fund. . . . . 75,000E

Total. . . . . \$87,396,416

**SECTION 3.115.** — To Lincoln University

## All Expenditures

|                                  |              |
|----------------------------------|--------------|
| From General Revenue Fund.....   | \$16,543,219 |
| From Lottery Proceeds Fund ..... | 1,935,218    |

For the payment of refunds set off against debt as required by Section  
143.786, RSMo

|                                   |                |
|-----------------------------------|----------------|
| From Debt Offset Escrow Fund..... | <u>75,000E</u> |
| Total.....                        | \$18,553,437   |

**SECTION 3.120.** — To Truman State University

## All Expenditures

|                                  |              |
|----------------------------------|--------------|
| From General Revenue Fund.....   | \$41,085,682 |
| From Lottery Proceeds Fund ..... | 4,261,978    |

For the payment of refunds set off against debt as required by Section  
143.786, RSMo

|                                   |                |
|-----------------------------------|----------------|
| From Debt Offset Escrow Fund..... | <u>75,000E</u> |
| Total.....                        | \$45,422,660   |

**SECTION 3.125.** — To Northwest Missouri State University

## All Expenditures

|                                  |              |
|----------------------------------|--------------|
| From General Revenue Fund.....   | \$29,171,524 |
| From Lottery Proceeds Fund ..... | 3,041,213    |

For the payment of refunds set off against debt as required by Section  
143.786, RSMo

|                                   |                |
|-----------------------------------|----------------|
| From Debt Offset Escrow Fund..... | <u>75,000E</u> |
| Total.....                        | \$32,287,737   |

**SECTION 3.130.** — To Missouri Southern State College

## All Expenditures

|                                  |              |
|----------------------------------|--------------|
| From General Revenue Fund.....   | \$19,225,867 |
| From Lottery Proceeds Fund ..... | 2,170,634    |

For the payment of refunds set off against debt as required by Section  
143.786, RSMo

|                                   |                |
|-----------------------------------|----------------|
| From Debt Offset Escrow Fund..... | <u>75,000E</u> |
| Total.....                        | \$21,471,501   |

**SECTION 3.135.** — To Missouri Western State College

## All Expenditures

|                                  |              |
|----------------------------------|--------------|
| From General Revenue Fund.....   | \$19,738,181 |
| From Lottery Proceeds Fund ..... | 2,168,608    |

For the payment of refunds set off against debt as required by Section

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143.786, RSMo  
From Debt Offset Escrow Fund. . . . . 75,000E  
Total. . . . . \$21,981,789

**SECTION 3.140.** — To Harris-Stowe State College

All Expenditures  
From General Revenue Fund. . . . . \$9,775,754  
From Lottery Proceeds Fund . . . . . 823,005

For the payment of refunds set off against debt as required by Section

143.786, RSMo  
From Debt Offset Escrow Fund. . . . . 75,000E  
Total. . . . . \$10,673,759

**SECTION 3.145.** — To the University of Missouri

For operation of its various campuses and programs

All Expenditures  
From General Revenue Fund. . . . . \$403,819,800  
From Lottery Proceeds Fund . . . . . 38,208,043

For the payment of refunds set off against debt as required by Section

143.786, RSMo  
From Debt Offset Escrow Fund. . . . . 200,000E  
Total. . . . . \$442,227,843

**SECTION 3.150.** — To the University of Missouri

For the Missouri Research and Education Network (MOREnet)

All Expenditures  
From General Revenue Fund. . . . . \$12,138,000

**SECTION 3.160.** — To the University of Missouri

For the University of Missouri Hospital and Clinics

All Expenditures  
From General Revenue Fund. . . . . \$9,679,635

**SECTION 3.165.** — To the University of Missouri

For the Ellis Fischel Cancer Center

All Expenditures  
From General Revenue Fund. . . . . \$4,581,985

**SECTION 3.170.** — To the University of Missouri

For the Missouri Rehabilitation Center

All Expenditures  
From General Revenue Fund. . . . . \$10,907,435

**SECTION 3.175.** — To the University of Missouri

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For a program of research into Alzheimer's Disease  
All Expenditures  
From General Revenue Fund. . . . . \$252,639

**SECTION 3.180.** — To the University of Missouri  
For the Missouri Institute of Mental Health  
All Expenditures  
From General Revenue Fund. . . . . \$2,555,389

**SECTION 3.185.** — To the University of Missouri  
For the treatment of renal disease in a statewide program  
All Expenditures  
From General Revenue Fund. . . . . \$4,463,082

**SECTION 3.190.** — To the University of Missouri  
For the State Historical Society  
All Expenditures  
From General Revenue Fund. . . . . \$1,025,112

**SECTION 3.195.** — To the Board of Curators of the University of Missouri  
For investment in registered federal, state, county, municipal, or  
school district bonds as provided by law  
From State Seminary Fund (0 F.T.E.). . . . . \$1,750,000

**SECTION 3.200.** — To the Board of Curators of the University of Missouri  
For the use of the University of Missouri  
From State Seminary Moneys Fund, Income from Investments (0 F.T.E.). \$275,000

**Bill Totals**

|                               |                      |
|-------------------------------|----------------------|
| General Revenue Fund. . . . . | \$960,480,936        |
| Federal Funds. . . . .        | \$5,288,079          |
| Other Funds. . . . .          | <u>\$213,055,679</u> |
| Total. . . . .                | \$1,178,824,694      |

Approved June 28, 2000

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HB 1104 [CCS SCS HCS HB 1104]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: DEPARTMENT OF REVENUE AND DEPARTMENT  
OF TRANSPORTATION.**

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AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each Department, Division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2000 and ending June 30, 2001, as follows:

**SECTION 4.005.** — To the Department of Revenue

Personal Service and/or Expense and Equipment

|  |              |
|--|--------------|
| From General Revenue Fund. . . . .                                       | \$39,133,367 |
| From Federal Funds . . . . .   | 633,503      |
| From State Highways and Transportation Department Fund . . . . .         | 41,654,355   |
| From Petroleum Storage Tank Insurance Fund . . . . .                     | 23,405       |
| From Department of Revenue Information Fund. . . . .                     | 767,483      |
| From Petroleum Inspection Fund . . . . .                                 | 30,599       |
| From Health Initiatives Fund . . . . .                                   | 45,632       |
| From Motor Vehicle Commission Fund . . . . .                             | 664,508      |
| From Conservation Commission Fund. . . . .                               | 501,766      |
| From Division of Aging Elderly Home Delivered Meals Trust Fund . . . . . | 21,499       |
| Annual salary adjustment in accordance with Section 105.005,<br>RSMo     |              |
| From General Revenue Fund. . . . .                                       | 1,395        |
| From State Highways and Transportation Department Fund. . . . .          | <u>1,395</u> |
| Total (Not to exceed 1993.63 F.T.E.). . . . .                            | \$83,478,907 |

**SECTION 4.010.** — To the Department of Revenue

For the Division of Administration

For postage

Expense and Equipment

|   |                  |
|---|------------------|
| From General Revenue Fund. . . . .                              | \$3,985,979      |
| From Health Initiatives Fund . . . . .                          | 4,350            |
| From Department of Revenue Information Fund. . . . .            | 158,731          |
| From State Highways and Transportation Department Fund. . . . . | <u>4,213,244</u> |
| Total (0 F.T.E.). . . . .                                       | \$8,362,304      |

**SECTION 4.015.** — To the Department of Revenue

For the Highway Reciprocity Commission

Personal Service and/or Expense and Equipment

From State Highways and Transportation Department Fund

(Not to exceed 35.00 F.T.E.)..... \$1,327,955

**SECTION 4.025.** — To the Department of Revenue

For the State Tax Commission

Personal Service. .... \$3,060,240

Expense and Equipment ..... 772,270

Annual salary adjustment in accordance with Section 105.005,

RSMo. .... 7,902

From General Revenue Fund (Not to exceed 80.75 F.T.E.). .... \$3,840,412

**SECTION 4.030.** — To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any  
payment that is credited to the General Revenue Fund

From General Revenue Fund (0 F.T.E.)..... \$755,350,000E

**SECTION 4.032.** — To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any  
payment credited to Federal and Other Funds

From Federal and Other Funds..... \$500,000E

**SECTION 4.035.** — There is transferred out of the State Treasury, chargeable  
to various funds, such amounts as are necessary for refunds  
required by Article X, Section 18 (b), Constitution of Missouri, to  
the General Revenue Fund

From Vocational Rehabilitation-Federal Funds..... \$98E

From Elementary and Secondary Education-Federal Funds and Other Funds. 1,460E

From Cash Operating Reserve Fund ..... 202,633E

From Budget Stabilization Fund ..... 98,917E

From Mental Health Interagency Payments Fund ..... 3E

From Division of Youth Services-Federal Funds and Other Funds..... 22E

From Juvenile Accountability Incentive Block Grant ..... 618E

From Facilities Maintenance Reserve Fund ..... 3,234E

From Department of Transportation-Federal Funds and Other Funds..... 57E

From Department of Revenue-Federal Funds ..... 28E

From Utilicare Stabilization Fund. .... 13,123E

From Federal Reimbursement Allowance Fund..... 206,362E

From Department of Health-Federal Funds and Other Funds. .... 2,572E

From Department of Public Safety-Federal Funds ..... 2,484E

From Division of Family Services Donations Fund..... 1,126E

From Missouri Humanities Council Trust Fund. .... 254E

From Motor Carrier Safety Assistance Program-Federal Funds ..... 2E

From Federal Drug Seizure Fund ..... 1,457E

From Nursing Facility Federal Reimbursement Allowance Fund ..... 85,145E

From Post Closure Fund ..... 197E

From Water Pollution Control Bond and Interest Fund-Series A 1991..... 2,259E

From Water Pollution Control Bond and Interest Fund-Series B 1992..... 4,195E

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|  |          |
|--|----------|
| From Water Pollution Control Bond and Interest Fund-Series A 1992. . . . .                     | 2,175E   |
| From Water Pollution Control Bond and Interest Fund-Series B&C 1991. . . . .                   | 3,259E   |
| From Water Pollution Control Bond and Interest Fund-Series A 1993. . . . .                     | 1,760E   |
| From Water Pollution Control Bond and Interest Fund-Series B 1993. . . . .                     | 7,106E   |
| From Third State Building Bond Interest and Sinking Fund-Series A&B1991. . . . .               | 16,927E  |
| From Third State Building Bond Interest and Sinking Fund-Series A 1992. . . . .                | 23,386E  |
| From Third State Building Bond Interest and Sinking Fund-Series A 1993. . . . .                | 13,803E  |
| From Water Pollution Control Bond and Interest Fund-Series A 1995. . . . .                     | 1,924E   |
| From Water Pollution Control Bond and Interest Fund-Series A 1996. . . . .                     | 2,273E   |
| From Water Pollution Control Bond and Interest Fund-Series A 1998. . . . .                     | 1,504E   |
| From Fourth State Building Bond and Interest Fund-Series A 1995. . . . .                       | 4,811E   |
| From Fourth State Building Bond and Interest Fund-Series A 1996. . . . .                       | 8,116E   |
| From Fourth State Building Bond and Interest Fund-Series A 1998. . . . .                       | 2,148E   |
| From Motorcycle Safety Trust Fund. . . . .   | 35E      |
| From Hearing Instrument Specialist Fund. . . . .   | 911E     |
| From Compulsive Gamblers Fund. . . . .   | 672E     |
| From Missouri Housing Trust Fund . . . . .   | 68,606E  |
| From Residential Mortgage Licensing Fund . . . . .   | 3,410E   |
| From Missouri Arts Council Trust Fund. . . . .   | 11,684E  |
| From Board of Geologist Registration Fund. . . . .   | 1,309E   |
| From Missouri Commission for the Deaf Board of Certification of<br>Interpreters Fund . . . . . | 742E     |
| From Gaming Commission Bingo Fund. . . . .   | 1,254E   |
| From Secretary of State's Technology Trust Fund Account. . . . .                               | 30,088E  |
| From Missouri National Guard Training Site Fund. . . . .                                       | 3,389E   |
| From Statewide Court Automation Fund . . . . .   | 62,543E  |
| From Nursing Facility Quality of Care Fund . . . . .   | 13,930E  |
| From Health Initiatives Fund . . . . .   | 436,855E |
| From Mental Health Housing Trust Fund. . . . .   | 3E       |
| From Family Support Loan Program Fund. . . . .   | 280E     |
| From School Building Revolving Fund. . . . .   | 2,289E   |
| From Peace Officers Standards and Training Commission Fund . . . . .                           | 17,898E  |
| From Independent Living Center Fund. . . . .   | 3,091E   |
| From Gaming Commission Fund. . . . .   | 173,930E |
| From Outstanding Schools Trust Fund. . . . .   | 266,698E |
| From Mental Health Earnings Fund . . . . .   | 22,421E  |
| From Grade Crossing Safety Account Fund. . . . .   | 14,698E  |
| From Animal Health Laboratory Fee Fund . . . . .   | 4,351E   |
| From Mammography Fund. . . . .   | 1,231E   |
| From Animal Care Reserve Fund. . . . .   | 3,627E   |
| From Division of Aging Elderly Home Delivered Meals Trust Fund . . . . .                       | 2E       |
| From Highway Patrol Inspection Fund. . . . .   | 14,545E  |
| From Missouri Public Health Services Fund. . . . .   | 19,378E  |
| From Livestock Brands Fund . . . . .   | 417E     |
| From Veterans' Commission Capital Improvement Trust Fund . . . . .                             | 43,483E  |
| From State Road Fund . . . . .   | 285,024E |

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|   |          |
|---|----------|
| From Water Pollution Control Fund-Series A 1998-37C. ....                                   | 9,650E   |
| From Water Pollution Control Fund Series A 1998-37E.....                                    | 22,823E  |
| From Third State Building Fund-Pre Tax Act 1986. ....                                       | 944E     |
| From Third State Building Trust Fund-Pre Tax Act 1986.....                                  | 22E      |
| From Fourth State Building Fund-Series A 1998.....  | 38,140E  |
| From Commodity Council Merchandising Fund. ....   | 4,526E   |
| From Federal Surplus Property Fund . ....   | 26,224E  |
| From Single-Purpose Animal Facilities Loan Program Fund. ....                               | 1,598E   |
| From State Fair Fees Fund. ....   | 42,022E  |
| From Agricultural Product Utilization Business Development Loan<br>Program Fund. ....       | 196E     |
| From Agricultural Product Utilization Grant Fund .....                                      | 122E     |
| From State Parks Earnings Fund .....  | 79,489E  |
| From State Parks Revolving Fund. ....   | 6,796E   |
| From Natural Resources Revolving Services Fund .....  | 5,834E   |
| From Historic Preservation Revolving Fund. ....   | 472E     |
| From Missouri Veterans' Homes Fund .....  | 136,812E |
| From Department of Natural Resources Cost Allocation Fund. ....                             | 3E       |
| From State Facility Maintenance and Operation Fund .....                                    | 2,704E   |
| From Office of Administration Revolving Administrative Trust Fund. ....                     | 152,366E |
| From Working Capital Revolving Fund.....  | 30,530E  |
| From House of Representatives Revolving Fund .....  | 260E     |
| From Supreme Court Publications Revolving Fund .....  | 2,179E   |
| From Adjutant General Revolving Fund .....  | 850E     |
| From Senate Revolving Fund .....  | 154E     |
| From Inmate Revolving Fund .....  | 46,530E  |
| From Department of Social Services Administrative Trust Fund .....                          | 603E     |
| From Statutory Revision Fund .....  | 2,405E   |
| From Department of Economic Development Administrative Fund. ....                           | 107E     |
| From Division of Credit Unions Fund. ....   | 11,715E  |
| From Division of Savings and Loan Supervision Fund .....                                    | 505E     |
| From Division of Finance Fund.....  | 94,458E  |
| From Insurance Examiners Fund. ....   | 96,311E  |
| From Natural Resources Protection Fund .....  | 7,455E   |
| From Deaf Relay Service and Equipment Distribution Program Fund. ....                       | 70,181E  |
| From Real Estate Appraisers Fund .....  | 4,118E   |
| From Endowed Care Cemetery Audit Fund.....  | 1,794E   |
| From Missouri Community College Job Training Program Fund. ....                             | 125,830E |
| From Professional and Practical Nursing Student Loan and Nurse<br>Loan Repayment Fund ..... | 9,474E   |
| From Department of Insurance Dedicated Fund. ....   | 105,561E |
| From International Promotions Revolving Fund .....  | 308E     |
| From Natural Resources Protection Fund-Water Pollution Permit<br>Fee Subaccount. ....       | 71,710E  |
| From Solid Waste Management Fund-Scrap Tire Subaccount .....                                | 25,896E  |
| From Solid Waste Management Fund .....  | 123,664E |



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|   |            |
|---|------------|
| From Aquaculture Marketing Development Fund. . . . .                                    | 143E       |
| From Clinical Social Workers Fund. . . . .  | 3,899E     |
| From Metallic Minerals Waste Management Fund . . . . .                                  | 1,401E     |
| From Landscape Architectural Council Fund. . . . .                                      | 299E       |
| From Local Records Preservation Fund . . . . .  | 23,275E    |
| From Veterans' Trust Fund. . . . .  | 327E       |
| From State Committee of Psychologists Fund . . . . .                                    | 4,997E     |
| From Livestock Sales and Markets Fees Fund . . . . .                                    | 182E       |
| From Manufactured Housing Fund . . . . .  | 6,754E     |
| From Natural Resources Protection Fund-Air Pollution Asbestos<br>Fee Subaccount.. . . . | 3,365E     |
| From Petroleum Storage Tank Insurance Fund . . . . .                                    | 242,513E   |
| From Underground Storage Tank Regulation Program Fund.. . . .                           | 5,189E     |
| From Chemical Emergency Preparedness Fund. . . . .                                      | 9,968E     |
| From Motor Vehicle Commission Fund . . . . .  | 12,625E    |
| From Health Spa Regulatory Fund. . . . .  | 54E        |
| From State Forensic Laboratory Fund.. . . .   | 3,362E     |
| From Services to Victims' Fund . . . . .  | 40,403E    |
| From Natural Resources Protection Fund-Air Pollution Permit<br>Fee Subaccount.. . . .   | 84,872E    |
| From Children's Service Commission Fund. . . . .  | 12E        |
| From Water and Wastewater Loan Revolving Fund.. . . .                                   | 122,103E   |
| From Attorney General's Court Costs Fund . . . . .                                      | 260E       |
| From Missouri Breeders Fund.. . . .   | 55E        |
| From Public Service Commission Fund. . . . .  | 192,094E   |
| From Parks Sales Tax Fund.. . . .   | 277E       |
| From Apple Merchandising Fund. . . . .  | 11E        |
| From State School Moneys Fund. . . . .  | 776,589E   |
| From Department of Revenue Information Fund. . . . .                                    | 36,306E    |
| From Blind Pension Fund. . . . .  | 234,244E   |
| From Tort Victims Compensation Fund. . . . .  | 34,373E    |
| From Livestock Dealer Law Enforcement and Administration Fund. . . . .                  | 19E        |
| From Board of Accountancy Fund . . . . .  | 7,272E     |
| From Board of Barber Examiners Fund. . . . .  | 2,303E     |
| From Board of Podiatric Medicine Fund.. . . .   | 713E       |
| From Board of Chiropractic Examination Fund. . . . .                                    | 3,808E     |
| From Merchandising Practices Revolving Fund.. . . .                                     | 10,391E    |
| From Board of Cosmetology Fund . . . . .  | 2,828E     |
| From Board of Embalmers and Funeral Directors Fund . . . . .                            | 6,508E     |
| From Board of Registration for Healing Arts Fund . . . . .                              | 47,481E    |
| From Board of Nursing Fund . . . . .  | 36,133E    |
| From Board of Optometry Fund . . . . .  | 1,726E     |
| From Board of Pharmacy Fund.. . . .   | 15,833E    |
| From Missouri Real Estate Commission Fund. . . . .                                      | 27,695E    |
| From Veterinary Medical Board Fund . . . . .  | 4,589E     |
| From State Highways and Transportation Department Fund . . . . .                        | 1,985,777E |

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|--|------------|
| From Milk Inspection Fees Fund . . . . .                                   | 19,193E    |
| From Department of Health Document Services Fund . . . . .                 | 1,908E     |
| From Grain Inspection Fees Fund. . . . .                                   | 19,616E    |
| From Petition Audit Revolving Trust Fund . . . . .                         | 1,393E     |
| From Water and Wastewater Loan Fund. . . . .                               | 1,110E     |
| From Tourism Marketing Fund. . . . .                                       | 13E        |
| From Excellence in Education Fund. . . . .                                 | 1,161E     |
| From Workers' Compensation Fund.. . . .                                    | 339,938E   |
| From Second Injury Fund.. . . .  | 451,305E   |
| From Missouri Prospective Teachers Loan Fund . . . . .                     | 1E         |
| From Department of Health-Donated Fund . . . . .                           | 13,410E    |
| From Railroad Expense Fund . . . . .                                       | 9,435E     |
| From Groundwater Protection Fund . . . . .                                 | 6,660E     |
| From Petroleum Inspection Fund . . . . .                                   | 24,114E    |
| From Energy Set-Aside Program Fund . . . . .                               | 15,646E    |
| From State Land Survey Program Fund.. . . .                                | 23,275E    |
| From Petroleum Violation Escrow Fund . . . . .                             | 16,137E    |
| From Legal Defense and Defender Fund . . . . .                             | 13,436E    |
| From Criminal Record System Fund . . . . .                                 | 33,337E    |
| From Committee on Professional Counselors Fund . . . . .                   | 4,533E     |
| From Motor Fuel Tax Fund . . . . .   | 8,062,021E |
| From Highway Patrol Academy Fund . . . . .                                 | 5,247E     |
| From Hazardous Waste Fund.. . . .  | 15,979E    |
| From Dental Board Fund . . . . .   | 8,729E     |
| From State Board of Architects, Engineers and Land Surveyors Fund. . . . . | 14,705E    |
| From Safe Drinking Water Fund. . . . .                                     | 38,613E    |
| From Missouri Office of Prosecution Services Fund.. . . .                  | 2,794E     |
| From Crime Victims' Compensation Fund.. . . .                              | 67,086E    |
| From Marketing Development Fund. . . . .                                   | 6,342E     |
| From Coal Mine Land Reclamation Fund . . . . .                             | 2,446E     |
| From Fair Share Fund . . . . .   | 331,981E   |
| From Hazardous Waste Remedial Fund . . . . .                               | 44,033E    |
| From Missouri Air Pollution Control Fund . . . . .                         | 12,766E    |
| From Athletic Fund . . . . .   | 5,735E     |
| From Children's Trust Fund . . . . .                                       | 23,121E    |
| From Highway Patrol's Motor Vehicle and Aircraft Revolving Fund. . . . .   | 69,088E    |
| From Abandoned Mine Reclamation Fund . . . . .                             | 432E       |
| From Meramac-Onondaga State Parks Fund . . . . .                           | 709E       |
| From Proceeds of Surplus Property Sales Fund . . . . .                     | 4,535E     |
| From Confederate Memorial Park Fund. . . . .                               | 85E        |
| From Marital and Family Therapists Fund.. . . .                            | 645E       |
| From Organ Donor Program Fund.. . . .                                      | 5,023E     |
| From Child Labor Enforcement Fund. . . . .                                 | 928E       |
| From Inmate Incarceration Reimbursement Act Revolving Fund . . . . .       | 481E       |
| From Secretary of State's Investor Education Fund. . . . .                 | 1,404E     |
| From Property Reuse Fund . . . . .   | 2,533E     |

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|---|--------------|
| From Respiratory Care Practitioners Fund . . . . .                            | 2,260E       |
| From Concentrated Animal Feeding Operation Indemnity Fund. . . . .            | 452E         |
| From State Document Preservation Fund. . . . .                                | 167E         |
| From State Transportation Assistance Revolving Fund. . . . .                  | 722E         |
| From Missouri Office of Prosecution Services Revolving Fund.. . . .           | 807E         |
| From Missouri Board of Occupational Therapy Fund . . . . .                    | 4,246E       |
| From Licensed Perfusionists Fund . . . . .                                    | 183E         |
| From Domestic Relations Resolution Fund.. . . .                               | 2,383E       |
| From Correctional Substance Abuse Earnings Fund.. . . .                       | 217E         |
| From Missouri Wine Marketing and Research Development Fund . . . . .          | 98E          |
| From Missouri College Guarantee Fund . . . . .                                | 108E         |
| From Early Childhood Development, Education and Care Fund. . . . .            | 834E         |
| From Escheats Fund . . . . .  | 11,422E      |
| From Abandoned Fund. . . . .  | 181,066E     |
| From Champ W. Smith & Mary C. Smith Memorial Endowment<br>Trust Fund. . . . . | 286E         |
| From Missouri National Guard Trust Fund.. . . .                               | 150E         |
| From Mined Land Reclamation Fund . . . . .                                    | 6,715E       |
| From Babler State Park Fund. . . . .  | 3,933E       |
| From School for the Blind Trust Fund . . . . .                                | 22,485E      |
| From Institution Gift Trust Fund . . . . .                                    | 136E         |
| From Mental Health Institution Gift Trust Fund . . . . .                      | 97,861E      |
| From Secretary of State-Wolfner State Library Fund . . . . .                  | 615E         |
| From Secretary of State Institution Gift Trust Fund. . . . .                  | 632E         |
| From Special Employment Security Fund.. . . .                                 | 11,395E      |
| From Crippled Children Fund. . . . .  | 51E          |
| From State Fair Trust Fund . . . . .  | 45E          |
| From Aviation Trust Fund . . . . .  | 40,151E      |
| From Various Funds. . . . .   | <u>1E</u>    |
| Total. . . . .  | \$17,683,104 |

**SECTION 4.040.** — For payment of refunds as required by Article X, Section 18(b), Constitution of Missouri

From General Revenue Fund (0 F.T.E.). . . . . \$98,861,466

**SECTION 4.045.** — To the Department of Revenue

For the state's share of the costs and expenses incurred pursuant to an approved assessment and equalization maintenance plan as provided by Chapter 137, RSMo

From General Revenue Fund (0 F.T.E.). . . . . \$17,824,473

**SECTION 4.050.** — To the Department of Revenue

For state costs for county assessor and assessor-elect certification

From General Revenue Fund (0 F.T.E.). . . . . \$100,800

**SECTION 4.055.** — To the Department of Revenue

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For apportionment to the several counties and the City of St. Louis all  
amounts accruing to the General Revenue Fund from the County  
Stock Insurance Tax  
From General Revenue Fund (0 F.T.E.)..... \$1,200,000E

**SECTION 4.060.** — To the Department of Revenue  
For the purpose of refunding any tax or fee credited to the State  
Highways and Transportation Department Fund  
From State Highways and Transportation Department Fund (0 F.T.E.)..\$1,613,448E

**SECTION 4.065.** — To the Department of Revenue  
For payment of fees for entry of records into the federal  
Commercial Driver's Licensing Information System  
Expense and Equipment  
From State Highways and Transportation Department Fund (0 F.T.E.). . \$275,000

**SECTION 4.070.** — To the Department of Revenue  
For the Problem Driver Pointer System  
Expense and Equipment  
From State Highways and Transportation Department Fund (0 F.T.E.). . \$180,500E

**SECTION 4.073.** — To the Department of Revenue  
For payment of court costs and attorney fees pursuant to Section 302.536,  
RSMo  
From State Highways and Transportation Department Fund (0 F.T.E.). . \$15,000E

**SECTION 4.075.** — To the Department of Revenue  
For distribution to cities and counties of all funds accruing to the  
Motor Fuel Tax Fund under the provisions of Sections  
30(a) and 30(b), Article IV, Constitution of Missouri  
From Motor Fuel Tax Fund (0 F.T.E.)..... \$188,000,000E

**SECTION 4.085.** — To the Department of Revenue  
For refunding any overpayment or erroneous payment of any amount  
credited to the Aviation Trust Fund  
From Aviation Trust Fund (0 F.T.E.)..... \$16,000E

**SECTION 4.090.** — To the Department of Revenue  
For refunds and distributions of motor fuel taxes  
From State Highways and Transportation Department Fund (0 F.T.E.)\$42,070,000E

**SECTION 4.095.** — To the Department of Revenue  
For payment of fees to counties as a result of delinquent collections  
made by circuit attorneys or prosecuting attorneys and payment  
of collection agency fees  
From General Revenue Fund (0 F.T.E.)..... \$2,728,000E

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**SECTION 4.100.** — To the Department of Revenue

For payment of fees to counties for the filing of lien notices and lien releases

From General Revenue Fund (0 F.T.E.). . . . . \$180,000

**SECTION 4.105.** — To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any payment credited to the Workers' Compensation Fund

From Workers' Compensation Fund (0 F.T.E.). . . . . \$282,774E

**SECTION 4.110.** To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any payment credited to the Second Injury Fund

From Second Injury Fund (0 F.T.E.). . . . . \$133,966E

**SECTION 4.115.** — To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any payment for tobacco taxes

From Health Initiatives Fund. . . . . \$50,000E

From State School Moneys Fund. . . . . 25,000E

From Fair Share Fund. . . . . 11,000E

Total (0 F.T.E.). . . . . \$86,000

**SECTION 4.120.** — To the Department of Revenue

For refunds for overpayment or erroneous payment of any payment credited to the Motor Vehicle Commission Fund

From Motor Vehicle Commission Fund (0 F.T.E.). . . . . \$12,000E

**SECTION 4.125.** — To the Department of Revenue

For payment of dues and fees to the Multistate Tax Commission

From General Revenue Fund (0 F.T.E.). . . . . \$207,735

**SECTION 4.130.** — There is transferred out of the State Treasury, chargeable

to the General Revenue Fund, such amounts as may be necessary,

to make payments of refunds set off against debts as required by

Section 143.786, RSMo, to the Debt Offset Escrow Fund

From General Revenue Fund. . . . . \$6,000,000E

**SECTION 4.132.** — For the payment of refunds set off against debts as

required by Section 143.786, RSMo

From Debt Offset Escrow Fund. . . . . \$250,000E

**SECTION 4.135.** — There is transferred out of the State Treasury, chargeable

to the School District Trust Fund, Two Million, Five Hundred

Thousand Dollars (\$2,500,000) to the General Revenue Fund

From School District Trust Fund. . . . . \$2,500,000

**SECTION 4.140.** — There is transferred out of the State Treasury, chargeable to the Parks Sales Tax Fund, Sixty-Six Hundredths Percent (.66%) of the funds received, to the General Revenue Fund  
 From Parks Sales Tax Fund. . . . . \$200,000E

**SECTION 4.145.** — There is transferred out of the State Treasury, chargeable to the Soil and Water Sales Tax Fund, Sixty-Six Hundredths Percent (.66%) of the funds received, to the General Revenue Fund  
 From Soil and Water Sales Tax Fund. . . . . \$200,000E

**SECTION 4.150.** — There is transferred out of the State Treasury, chargeable to the Solid Waste Management Fund, One Hundred Eight Thousand Dollars (\$108,000) to the General Revenue Fund  
 From Solid Waste Management Fund. . . . . \$108,000

**SECTION 4.155.** — To the Department of Revenue  
 For the State Lottery Commission  
 For any and all expenditures, including operating maintenance and repair and minor renovations, necessary for the purpose of operating a state lottery  
     Personal Service. . . . . \$6,864,239  
     Expense and Equipment. . . . . 39,815,823E  
 From Lottery Enterprise Fund (Not to exceed 178.50 F.T.E.). . . . . \$46,680,062

**SECTION 4.160.** — To the Department of Revenue  
 For the State Lottery Commission  
 For the payment of prizes  
 From Lottery Enterprise Fund (0 F.T.E.). . . . . \$80,000,000E

**SECTION 4.165.** — There is transferred out of the State Treasury, chargeable to the Lottery Enterprise Fund, One Hundred Fifty-Nine Million Dollars (\$159,000,000) to the Lottery Proceeds Fund  
 From Lottery Enterprise Fund. . . . . \$159,000,000E

**SECTION 4.200.** — To the Department of Transportation  
 For the purpose of funding the Highways and Transportation Commission and Highway Program Administration  
     Personal Service. . . . . 26,911,742  
     Expense and Equipment. . . . . 10,802,708  
 From State Highways and Transportation Department Fund . . . . . 37,714,450

For the purpose of funding Highway Employee Fringe Benefits  
 For Administration Fringe Benefits  
     Personal Service. . . . . 5,936,280E  
     Expense and Equipment. . . . . 5,304,916E  
 From State Highways and Transportation Department Fund. . . . . 11,241,196

Total (Not to exceed 612.00 F.T.E.). . . . . \$48,955,646

**SECTION 4.205.** — To the Department of Transportation

For the Construction Program

To pay the costs of reimbursing counties and other political subdivisions for the acquisition of roads and bridges taken over by the state as permanent parts of the state highway system, and for the costs of locating, relocating, establishing, acquiring, constructing, reconstructing, widening, and improving those highways, bridges, tunnels, parkways, travel ways, tourways, and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri; of acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies relating to the location and construction of highways and bridges; and to receive funds from the United States Government for like purposes

Personal Service

From State Highways and Transportation Department Fund. . . . . \$82,129,991E

Expense and Equipment . . . . . 53,138,000E

Construction. . . . . 816,931,145E

From State Road Fund . . . . . 870,069,145

For Construction Program Fringe Benefits

Personal Service. . . . . 18,035,809E

Expense and Equipment. . . . . 6,884,371E

From State Highways and Transportation Department Fund. . . . . 24,920,180

Total (Not to exceed 1,990.00 F.T.E.). . . . . \$977,119,316

**SECTION 4.210.** — To the Department of Transportation

For the Transportation Enhancements Program of the Transportation

Equity Act for the 21st Century

For transportation enhancement activities

From State Road Fund (0 F.T.E.). . . . . \$8,200,000E

**SECTION 4.215.** — To the Department of Transportation

For the Maintenance Program

To pay the costs of preserving and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri; of acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies related to the preservation and maintenance of highways and bridges

Personal Service

From State Highways and Transportation Department Fund..... \$121,160,585E

Expense and Equipment

From State Road Fund . . . . . 122,543,000E

For Maintenance Program Fringe Benefits

Personal Service. . . . . 26,454,541E

Expense and Equipment. . . . . 13,561,397E

From State Highways and Transportation Department Fund..... 40,015,938

Total (Not to exceed 3,686.00 F.T.E.). . . . . \$283,719,523

**SECTION 4.220. — To the Department of Transportation**

For Service Operations

To pay the costs of constructing, preserving, and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri; of acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies related to the construction, preservation, and maintenance of highways and bridges

Personal Service

From State Highways and Transportation Department Fund..... \$16,451,150

Expense and Equipment

From State Road Fund . . . . . 50,780,000E

For Service Operations Fringe Benefits

Personal Service. . . . . 3,659,782E

Expense and Equipment. . . . . 1,467,573E

From State Highways and Transportation Department Fund..... 5,127,355

Total (Not to exceed 469.00 F.T.E.). . . . . \$72,358,505

**SECTION 4.225. — To the Department of Transportation**

For the Mississippi River Parkway Commission

From General Revenue Fund (0 F.T.E.). . . . . \$37,500

**SECTION 4.230. — To the Department of Transportation**

For Multimodal Operations Administration

Personal Service. . . . . \$681,482

Expense and Equipment. . . . . 46,396

From General Revenue Fund. . . . . 727,878

Personal Service. . . . . 379,314

Expense and Equipment. . . . . 650,000

From Federal Funds . . . . . 1,029,314



|  |                |
|--|----------------|
| Expense and Equipment  |                |
| From State Road Fund . . . . .                                   | 15,000         |
| Personal Service   |                |
| From State Highways and Transportation Department Fund . . . . . | 162,376        |
| Personal Service   |                |
| From State Transportation Fund . . . . .                         | 44,977         |
| For Multimodal Operations Fringe Benefits                        |                |
| Personal Service. . . . .  | 162,827E       |
| Expense and Equipment. . . . .                                   | <u>38,958E</u> |
| From General Revenue Fund. . . . .                               | 201,785        |
| Personal Service. . . . .  | 89,899E        |
| Expense and Equipment. . . . .                                   | <u>17,422E</u> |
| From Federal Funds . . . . .                                     | 107,321        |
| Personal Service. . . . .  | 36,017E        |
| Expense and Equipment. . . . .                                   | <u>11,488E</u> |
| From State Highways and Transportation Department Fund . . . . . | 47,505         |
| Personal Service. . . . .  | 9,943E         |
| Expense and Equipment. . . . .                                   | <u>1,613E</u>  |
| From State Transportation Fund. . . . .                          | <u>11,556</u>  |
| Total (Not to exceed 26.00 F.T.E.). . . . .                      | \$2,347,712    |

**SECTION 4.235.** — To the Department of Transportation

For Multimodal Operations

For reimbursements to the State Highways and Transportation

Department Fund for providing professional and technical  
services and administrative support of multimodal programs

|   |               |
|---|---------------|
| From General Revenue Fund. . . . .      | \$49,510      |
| From Federal Funds . . . . .            | 67,600        |
| From State Transportation Fund. . . . . | <u>30,920</u> |
| Total (0 F.T.E.). . . . .               | \$148,030     |

**SECTION 4.240.** — To the Department of Transportation

For Multimodal Operations

For loans from the State Transportation Assistance Revolving Fund to

political subdivisions of the state or to public or private  
not-for-profit organizations or entities in accordance with  
Section 226.191, RSMo

|   |              |
|---|--------------|
| From State Transportation Assistance Revolving Fund (0 F.T.E.). . . . . | \$1,350,000E |
|---|--------------|

**SECTION 4.245.** — There is transferred out of the State Treasury, chargeable

to the General Revenue Fund, Eight Million, Three Hundred  
Sixty-Seven Thousand, Nine Hundred Seventy-Seven Dollars  
(\$8,367,977) to the State Transportation Fund  
From General Revenue Fund. . . . . \$8,367,977

**SECTION 4.247.** — To the Department of Transportation  
For the Transit Program  
For distributing funds to urban, small urban, and rural transportation  
systems  
From State Transportation Fund (0 F.T.E.). . . . . \$8,367,977

**SECTION 4.250.** — To the Department of Transportation  
For the Transit Program  
For locally matched capital improvement grants under Section 5310,  
Title 49, United States Code to assist private, non-profit  
organizations in improving public transportation for the state's  
elderly and people with disabilities  
From Federal Funds (0 F.T.E.). . . . . \$1,460,739E

**SECTION 4.255.** — To the Department of Transportation  
For the Transit Program  
For an operating subsidy for not-for-profit transporters of the elderly,  
people with disabilities, and low-income individuals  
From General Revenue Fund (0 F.T.E.). . . . . \$2,943,732

**SECTION 4.260.** — To the Department of Transportation  
For the Transit Program  
For grants to urban areas under Section 5307, Title 49, United States  
Code  
From Federal Funds (0 F.T.E.). . . . . \$2,974,641E

**SECTION 4.265.** — To the Department of Transportation  
For the Transit Program  
For locally matched grants to small urban and rural areas under  
Section 5311, Title 49, United States Code  
From Federal and Local Funds (0 F.T.E.). . . . . \$4,506,574E

**SECTION 4.270.** — To the Department of Transportation  
For the Transit Program  
For grants under Section 5309, Title 49, United States Code to  
assist private, non-profit organizations providing public  
transportation services  
From Federal Funds (0 F.T.E.). . . . . \$12,000,000E

**SECTION 4.275.** — To the Department of Transportation  
For the Transit Program

---

For grants to metropolitan areas under Section 5303, Title 49,  
 United States Code  
 From Federal Funds (0 F.T.E.). . . . . \$825,000E

**SECTION 4.276.** — To the Department of Transportation

For the Rail Program

For grants under Section 5 of the Department of Transportation

Act, as amended by the reauthorizing act, for acquisition,  
 rehabilitation, improvement or rail facility construction assistance

From Federal Funds (0 F.T.E.). . . . . \$350,378E

**SECTION 4.280.** — To the Department of Transportation

For the Rail Program

For state participation in the joint state/federal Amtrak Rail Passenger  
 Service Program

From General Revenue Fund. . . . . \$5,100,000

From State Transportation Fund. . . . . 1,100,000

Total (0 F.T.E.). . . . . \$6,200,000

**SECTION 4.285.** — To the Department of Transportation

For the Rail Program

For promotional costs related to the St. Louis-Kansas City state-assisted  
 Amtrak route

From General Revenue Fund. . . . . \$150,000

For station repairs and improvements

at the LaPlata Amtrak Station

From General Revenue Fund. . . . . 25,000

For station repairs and improvements at Missouri Amtrak stations

From State Transportation Fund. . . . . 25,000

Total (0 F.T.E.). . . . . \$200,000

**SECTION 4.290.** — To the Department of Transportation

For the Aviation Program

For construction, capital improvements, and maintenance of  
 publicly-owned airfields by cities or other political  
 subdivisions, including land acquisition, and for printing  
 charts and directories

From Aviation Trust Fund. . . . . \$4,000,000E

**SECTION 4.295.** — To the Department of Transportation

For the Aviation Program

For construction, capital improvements or planning of publicly-owned  
 airfields by cities or other political subdivisions, including  
 land acquisition, pursuant to the provisions of the State Block

Grant Pilot Program authorized by Section 116 of the Federal  
 Airport and Airway Safety and Capacity Expansion Act of 1987  
 From Federal Funds (0 F.T.E.)..... \$7,500,000E

**SECTION 4.300.** — To the Department of Transportation  
 For the Waterways Program  
 For grants to port authorities for assistance in port planning, acquisition,  
 or construction within the port districts  
 From General Revenue Fund . . . . . \$444,987

For administrative assistance for the Mid-America Port Commission  
 From General Revenue Fund. . . . . 50,000  
 Total (0. F.T.E.). . . . . \$494,987

**Bill Totals**

General Revenue Fund.. . . . \$929,828,892  
 Federal Funds. . . . . \$31,464,300  
 Other Funds. . . . . \$1,824,343,870  
 Total. . . . . \$2,785,637,062

Approved June 28, 2000

**HB 1105 [CCS SCS HCS HB 1105]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: OFFICE OF ADMINISTRATION, DEPARTMENT OF  
 TRANSPORTATION AND CHIEF EXECUTIVE'S OFFICE.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each Department, Division, agency, and program enumerated in each section for the

item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2000 and ending June 30, 2001, as follows:

**SECTION 5.005.** — To the Office of Administration

For the Commissioner and Central Staff

|  |                |
|--|----------------|
| Personal Service.....  | \$1,010,208    |
| Annual salary adjustment in accordance with Section 105.005,<br>RSMo. .... | 2,790          |
| Expense and Equipment.....   | <u>304,772</u> |
| From General Revenue Fund (Not to exceed 23.45 F.T.E.). ....               | \$1,317,770    |

**SECTION 5.010.** — To the Office of Administration

For the Division of Accounting

|  |                |
|--|----------------|
| Personal Service.....                    | \$2,697,752    |
| Expense and Equipment.....               | <u>416,904</u> |
| From General Revenue Fund. ....          | 3,114,656      |
| Personal Service                         |                |
| From Federal Surplus Property Fund. .... | <u>39,018</u>  |
| Total (Not to exceed 81.50 F.T.E.). .... | \$3,153,674    |

**SECTION 5.015.** — To the Office of Administration

For the Division of Budget and Planning

|                            |                |
|----------------------------|----------------|
| Personal Service.....      | \$1,476,055    |
| Expense and Equipment..... | <u>186,945</u> |
| From General Revenue ..... | 1,663,000      |

For the Administrative Rules Section

|  |               |
|--|---------------|
| Personal Service.....                    | 75,630        |
| Expense and Equipment.....               | <u>11,200</u> |
| From General Revenue Fund. ....          | <u>86,830</u> |
| Total (Not to exceed 32.60 F.T.E.). .... | \$1,749,830   |

**SECTION 5.020.** — To the Office of Administration

For the Division of Budget and Planning

For Census 2000 activities

|   |                |
|---|----------------|
| Personal Service .....                                      | \$156,421      |
| Expense and Equipment.....                                  | <u>271,414</u> |
| From General Revenue Fund (Not to exceed 4.00 F.T.E.). .... | \$427,835      |

**SECTION 5.025.** — To the Office of Administration

For the Division of Budget and Planning

For research and development activities

|                                 |               |
|---------------------------------|---------------|
| From General Revenue Fund. .... | \$16,500      |
| From Federal Funds.....         | <u>50,000</u> |
| Total (0 F.T.E.). ....          | \$66,500      |

**SECTION 5.030.** — To the Office of Administration

For the Division of Information Services

|  |                |
|--|----------------|
| Personal Service . . . . .                             | \$3,463,713    |
| Expense and Equipment . . . . .                        | 11,562,243     |
| Personal Service and/or Expense and Equipment. . . . . | <u>150,000</u> |
| From General Revenue Fund. . . . .                     | \$15,175,956   |

|  |                   |
|--|-------------------|
| Personal Service. . . . .  | 5,348,405         |
| Expense and Equipment . . . . .  | 26,391,100        |
| Personal Service and/or Expense and Equipment. . . . .                     | <u>150,000</u>    |
| From Office of Administration Revolving Administrative Trust Fund. . . . . | <u>31,889,505</u> |
| Total (Not to exceed 215.40 F.T.E.). . . . .                               | \$47,065,461      |

**SECTION 5.035.** — To the Office of Administration

For the Division of Information Services

For the centralized telephone billing system

Expense and Equipment

From Office of Administration Revolving Administrative Trust Fund

(0 F.T.E.). . . . . \$48,300,000E

**SECTION 5.040.** — There is transferred out of the State Treasury,

chargeable to the Office of Administration Revolving

Administrative Trust Fund for funds generated by

telephone contracts with the Department of Corrections,

One Million, Five Hundred Fifty-Five Thousand Dollars

(\$1,555,000) to the General Revenue Fund

From Office of Administration Revolving Administrative Trust Fund. . \$1,555,000E

**SECTION 5.045.** — To the Office of Administration

For the Division of Design and Construction

|                                    |                |
|------------------------------------|----------------|
| Personal Service. . . . .          | \$1,984,555    |
| Expense and Equipment. . . . .     | <u>306,820</u> |
| From General Revenue Fund. . . . . | 2,291,375      |

|   |                  |
|---|------------------|
| Personal Service. . . . .   | 2,522,045        |
| Expense and Equipment. . . . .  | <u>412,339</u>   |
| From Office of Administration Revolving Administrative Trust Fund . . . . . | <u>2,934,384</u> |
| Total (Not to exceed 108.00 F.T.E.). . . . .                                | \$5,225,759      |

**SECTION 5.050.** To the Office of Administration

For the Division of Design and Construction

For the purpose of funding construction administration

|   |                |
|---|----------------|
| Personal Service. . . . .   | \$864,000      |
| Expense and Equipment. . . . .  | <u>338,400</u> |
| From Office of Administration Revolving Administrative Trust Fund . . . . . |                |
| (Not to exceed 26.00 F.T.E.). . . . .                                       | \$1,202,400    |

**SECTION 5.055.** — To the Office of Administration

For the Division of Design and Construction

For refunding bid plan deposits

From Office of Administration Revolving Administrative

Trust Fund (0 F.T.E.). . . . . \$140,000E

**SECTION 5.060.** — To the Office of Administration

For the Division of Personnel

Personal Service. . . . . \$3,368,875

Expense and Equipment. . . . . 444,651

From General Revenue Fund. . . . . 3,813,526

Personal Service. . . . . 58,882

Expense and Equipment. . . . . 250,000From Office of Administration Revolving Administrative Trust Fund . . . 308,882

Total (Not to exceed 97.85 F.T.E.). . . . . \$4,122,408

**SECTION 5.065.** — To the Office of Administration

For the Division of Personnel

For the Uniform Classification and Pay project

Personal Service. . . . . \$69,879

Expense and Equipment. . . . . 95,303

From Office of Administration Revolving Administrative Trust Fund

(Not to exceed 2.00 F.T.E.). . . . . \$165,182

**SECTION 5.070.** To the Office of Administration

For the Division of Personnel

There is transferred out of the State Treasury, chargeable to the

General Revenue Fund, One Hundred Ninety-Eight

Thousand, Sixty-Seven Dollars (\$198,067) to the Office

of Administration Revolving Administrative Trust Fund

From General Revenue Fund. . . . . \$198,067

**SECTION 5.075.** — To the Office of Administration

For the Division of Personnel

There is transferred out of the State Treasury, chargeable to the various

funds, amounts paid from the General Revenue Fund for

services related to Uniform Classification and Pay studies

conducted in accordance with Section 36.031, RSMo, to the

General Revenue Fund

From Federal Funds. . . . . \$50,000E

From Other Funds. . . . . 148,067E

Total. . . . . \$198,067E

**SECTION 5.080.** — To the Office of Administration

For the Division of Personnel

For employee suggestion awards  
 From Office of Administration Revolving Administrative  
 Trust Fund (0 F.T.E.). . . . . \$10,000

**SECTION 5.085.** — To the Office of Administration

For the Division of Purchasing and Materials Management  
 Personal Service . . . . . \$1,958,421  
 Expense and Equipment. . . . . 488,805  
 From General Revenue Fund (Not to exceed 56.00 F.T.E.). . . . . \$2,447,226

**SECTION 5.090.** — To the Office of Administration

For the Division of Purchasing and Materials Management  
 For refunding bid and performance bonds  
 From Office of Administration Revolving Administrative  
 Trust Fund (0 F.T.E.). . . . . \$2,112,000E

**SECTION 5.095.** — To the Office of Administration

For the Division of Purchasing and Materials Management  
 For operation of the State Agency for Surplus Property  
 Personal Service. . . . . \$671,017  
 Expense and Equipment . . . . . 752,884  
 Fixed Price Vehicle Program. . . . . 536,000E  
 From Federal Surplus Property Fund (Not to exceed 22.50 F.T.E.). . . . \$1,959,901

**SECTION 5.100.** — To the Office of Administration

For the Division of Purchasing and Materials Management  
 For Surplus Property recycling activities  
 From Federal Surplus Property Fund (0 F.T.E.). . . . . \$13,000E

**SECTION 5.105.** — To the Office of Administration

For the Division of Purchasing and Materials Management  
 For the disbursement of surplus property sales receipts  
 From Proceeds of Surplus Property Sales Fund (0 F.T.E.). . . . . \$1,090,000E

**SECTION 5.110.** — To the Office of Administration

For the Division of Facilities Management  
 Personal Service . . . . . \$907,140  
 Expense and Equipment. . . . . 314,179  
 From Office of Administration Revolving Administrative Trust Fund  
 (Not to exceed 23.61 F.T.E.). . . . . \$1,221,319

**SECTION 5.115.** — To the Office of Administration

For the Division of Facilities Management  
 Leasing Operations  
 There is transferred out of the State Treasury, chargeable to the  
 General Revenue Fund, One Million, Four-Hundred



Seventy-One Thousand, Nine-Hundred Twenty-Three Dollars  
 (\$1,471,923) to the Office of Administration Revolving  
 Administrative Trust Fund  
 From General Revenue Fund. . . . . \$1,471,923

**SECTION 5.120.** — To the Office of Administration  
 For the Division of Facilities Management  
 Leasing Operations

There is transferred out of the State Treasury, chargeable to the various  
 funds, amounts paid from the General Revenue Fund for  
 services related to leasing operations to the General Revenue Fund  
 From Federal Funds. . . . . \$488,831E  
 From Other Funds. . . . . 135,482E  
 Total. . . . . \$624,313E

**SECTION 5.125.** — To the Office of Administration  
 For the Division of Facilities Management

For the payment of fuel, utilities, and related expenses for leased  
 facilities  
 Expense and Equipment  
 From Office of Administration Revolving Administrative  
 Trust Fund (0 F.T.E.). . . . . \$976,000E

**SECTION 5.130.** — To the Board of Public Buildings

For payment of rent by the state to the Board for state agencies occupying  
 revenue bond financed buildings. Funds are to be used by  
 the Board for principal, interest, and reserve fund requirements  
 of Board of Public Building bonds or for lease purchase payments  
 and related expenses for Department of Mental Health facilities  
 From General Revenue Fund (0 F.T.E.). . . . . \$33,297,740

**SECTION 5.135.** — To the Board of Public Buildings

For all expenditures associated with refunding currently outstanding debt  
 From General Revenue Fund (0 F.T.E.). . . . . \$1E

**SECTION 5.140.** — To the Board of Public Buildings

For payment of arbitrage rebate and related expenses  
 From General Revenue Fund (0 F.T.E.). . . . . \$1E

**SECTION 5.145.** — To the Board of Public Buildings

For the Office of Administration  
 For the Division of Facilities Management  
 For any and all expenditures necessary for the purpose of funding the  
 operations of the Fletcher Daniels State Office Building,  
 Springfield State Office Complex, Wainwright State Office  
 Building, Midtown State Office Building, Hubert Wheeler

Building, Harry S Truman State Office Building, St. Joseph State Office Building, the Kirkpatrick Information Center; and the office buildings, laboratories, and support facilities at the seat of government  
 From State Facility Maintenance and Operation Fund  
 (Not to exceed 224.11 F.T.E.)..... \$17,120,720

**SECTION 5.150.** — To the Office of Administration

For the Division of Facilities Management

For operational maintenance and repairs for state-owned facilities

From General Revenue Fund..... \$246,672

From State Facility Maintenance and Operation Fund..... 572,083

Total (0 F.T.E.). .... \$818,755

**SECTION 5.155.** — There is transferred out of the State Treasury, chargeable to the General Revenue Fund, for payment of rent by the state to the Board of Public Buildings for state agencies occupying the Fletcher Daniels State Office Building, Springfield State Office Complex, Wainwright State Office Building, Midtown State Office Building, Hubert Wheeler Building, Harry S Truman State Office Building, St. Joseph State Office Building, the Kirkpatrick Information Center; and to the Office of Administration for the office buildings, laboratories, and support facilities at the seat of government for any and all expenditures for the purpose of funding the operation of the buildings and facilities, the following amount to the State Facility Maintenance and Operation Fund

From General Revenue Fund..... \$19,603,813

**SECTION 5.160.** — There is transferred out of the State Treasury, chargeable to the funds shown below, for payment of rent by the state to the Board of Public Buildings for state agencies occupying the Fletcher Daniels State Office Building, Springfield State Office Complex, Wainwright State Office Building, Midtown State Office Building, Hubert Wheeler Building, Harry S Truman State Office Building, St. Joseph State Office Building, the Kirkpatrick Information Center; and to the Office of Administration for the office buildings, laboratories, and support facilities at the seat of government for any and all expenditures for the purpose of funding the operation of the buildings and facilities, the following amount to the General Revenue Fund

From Federal Funds..... \$450,000E

From Other Funds..... 4,000,000E

Total..... \$4,450,000E

**SECTION 5.165.** — To the Board of Public Buildings

For the Office of Administration

For the Division of Facilities Management

For modifications and other support services at state-owned facilities

From State Facility Maintenance and Operation Fund (0 F.T.E.). . . . . \$990,000E

**SECTION 5.170.** — To the Office of Administration

For the Division of Facilities Management

For building operations

Personal Service. . . . . \$39,702

Expense and Equipment. . . . . 47,118

From General Revenue Fund. . . . . 86,820

Personal Service. . . . . 66,713

Expense and Equipment. . . . . 108,287From Federal Funds. . . . . 175,000

Total (Not to exceed 3.00 F.T.E.). . . . . \$261,820

**SECTION 5.175.** — To the Office of Administration

For the Division of General Services

Personal Service. . . . . \$1,685,698

Expense and Equipment. . . . . 384,868

From General Revenue Fund. . . . . 2,070,566

Personal Service. . . . . 2,344,078

Expense and Equipment. . . . . 1,813,342From Office of Administration Revolving Administrative Trust Fund. . . . . 4,157,420

Total (Not to exceed 124.95 F.T.E.). . . . . \$6,227,986

**SECTION 5.180.** — To the Office of Administration

For the provision of workers' compensation benefits to state

employees through either a self-insurance program

administered by the Office of Administration and/or by

contractual agreement with a private carrier and for administrative

and legal expenses authorized, in part, by Section 105.810, RSMo

From General Revenue Fund. . . . . \$11,050,000E

From Conservation Commission Fund. . . . . 500,000E

From Other Sources. . . . . 100,000E

Total (0 F.T.E.). . . . . \$11,650,000E

**SECTION 5.185.** — To the Office of Administration

There is hereby transferred out of the State Treasury, chargeable to

various funds, amounts paid from the General Revenue Fund

for workers' compensation benefits provided to employees paid

from these other funds to the General Revenue Fund

From Federal Funds. . . . . \$200,000E

|                             |                 |
|-----------------------------|-----------------|
| From Other Sources. . . . . | <u>300,000E</u> |
| Total. . . . .              | \$500,000E      |

**SECTION 5.190.** — To the Office of Administration

For the Division of General Services

For workers' compensation tax payments pursuant to Section 287.690, RSMo

|                                    |              |
|------------------------------------|--------------|
| From General Revenue Fund. . . . . | \$1,050,000E |
|------------------------------------|--------------|

|  |                |
|--|----------------|
| From Conservation Commission Fund. . . . . | <u>40,000E</u> |
|--|----------------|

|                           |              |
|---------------------------|--------------|
| Total (0 F.T.E.). . . . . | \$1,090,000E |
|---------------------------|--------------|

**SECTION 5.195.** — There is transferred out of the State Treasury,  
chargeable to the funds shown below, for the payment of claims,  
premiums, and expenses as provided by Section 105.711  
through 105.726, RSMo, the following amounts to the State

Legal Expense Fund

|                                    |              |
|------------------------------------|--------------|
| From General Revenue Fund. . . . . | \$4,000,000E |
|------------------------------------|--------------|

|  |         |
|--|---------|
| From Office of Administration Revolving Administrative Trust Fund. . . . . | 25,000E |
|--|---------|

|  |          |
|--|----------|
| From Conservation Commission Fund. . . . . | 130,000E |
|--|----------|

|  |          |
|--|----------|
| From State Highways and Transportation Department Fund . . . . . | 150,000E |
|--|----------|

|                             |               |
|-----------------------------|---------------|
| From Other Sources. . . . . | <u>2,435E</u> |
|-----------------------------|---------------|

|                |              |
|----------------|--------------|
| Total. . . . . | \$4,307,435E |
|----------------|--------------|

**SECTION 5.200.** — To the Office of Administration

For the payment of claims and expenses as provided by Section 105.711

et seq., RSMo, and for purchasing insurance against any or all  
liability of the State of Missouri or any agency, officer, or  
employee thereof

|   |              |
|---|--------------|
| From State Legal Expense Fund (0 F.T.E.). . . . . | \$4,307,435E |
|---|--------------|

**SECTION 5.205.** — To the Office of Administration

For the Division of General Services

For rebillable expenses and for the replacement or repair of damaged  
equipment when recovery is obtained from a third party

Expense and Equipment

From Office of Administration Revolving Administrative

|                                |              |
|--------------------------------|--------------|
| Trust Fund (0 F.T.E.). . . . . | \$4,000,000E |
|--------------------------------|--------------|

**SECTION 5.210.** — To the Office of Administration

For the Division of General Services

For the Governor's Council on Physical Fitness and Health

For the expenditure of contributions, gifts, and grants to promote  
physical fitness and healthy lifestyles

|  |           |
|--|-----------|
| From Governor's Council on Physical Fitness Trust Fund (0 F.T.E.). . . . . | \$350,000 |
|--|-----------|

**SECTION 5.215.** — To the Office of Administration

For the Administrative Hearing Commission

---

|   |                |
|---|----------------|
| Personal Service.....   | \$761,281      |
| Annual salary adjustment in accordance with Section 105.005, RSMo . . . | 7,761          |
| Expense and Equipment.....  | <u>135,782</u> |
| From General Revenue Fund (Not to exceed 18.00 F.T.E.). . . . .         | \$904,824      |

**SECTION 5.220. — To the Office of Administration**

For the administrative, promotional, and programmatic costs of the

Children's Trust Fund Board as provided by Section 210.173, RSMo

|   |             |
|---|-------------|
| Personal Service.....   | \$182,871   |
| Expense and Equipment . . . . .                                 | 146,239     |
| For program disbursements.....                                  | 3,360,000   |
| For the expenditure of gifts and grants. . . . .                | <u>1E</u>   |
| From Children's Trust Fund (Not to exceed 5.00 F.T.E.). . . . . | \$3,689,111 |

**SECTION 5.225. — To the Office of Administration**

For the Children's Services Commission

Expense and Equipment

|  |          |
|--|----------|
| From Children's Services Commission Fund (0 F.T.E.). . . . . | \$10,000 |
|--|----------|

**SECTION 5.230. — To the Office of Administration**

For those services provided through the Office of Administration that  
are contracted with and reimbursed by the Board of Trustees  
of the Missouri Public Entity Risk Management Fund as provided  
by Chapter 537, RSMo

|  |               |
|--|---------------|
| Personal Service.....  | \$557,382     |
| Expense and Equipment.....   | <u>64,847</u> |
| From Office of Administration Revolving Administrative Trust Fund<br>(Not to exceed 16.00 F.T.E.). . . . . | \$622,229     |

**SECTION 5.235. — To the Office of Administration**

For the Missouri Ethics Commission

|   |              |
|---|--------------|
| Personal Service.....   | \$950,675    |
| Expense and Equipment . . . . .                                 | 783,727      |
| For lobbyist law enforcement. . . . .                           | <u>5,000</u> |
| From General Revenue Fund (Not to exceed 25.00 F.T.E.). . . . . | \$1,739,402  |

**SECTION 5.240. — To the Office of Administration**

For the Office of Information Technology and an annual status report  
of information technology projects. The report is to be  
submitted to the Senate Appropriations Committee Chair and  
the House Budget Chair by December 31 of each year.

|   |                |
|---|----------------|
| Personal Service . . . . .  | \$161,011      |
| Expense and Equipment.....  | <u>196,737</u> |
| From Office of Administration Revolving Administrative Trust Fund<br>(Not to exceed 2.00 F.T.E.). . . . . | \$357,748      |

---

**SECTION 5.245.** — To the Office of Administration

For transferring funds for all state employees and participating  
political subdivisions to the OASDHI Contributions Fund

|                                    |                    |
|------------------------------------|--------------------|
| From General Revenue Fund. . . . . | \$75,900,000E      |
| From Federal Funds . . . . .       | 22,000,000E        |
| From Other Sources. . . . .        | <u>24,500,000E</u> |
| Total. . . . .                     | \$122,400,000E     |

**SECTION 5.250.** — To the Department of Transportation

For transferring funds from the state's contribution to the  
OASDHI Contributions Fund, said transfers to be  
administered by the Office of Administration

|   |               |
|---|---------------|
| From State Highways and Transportation Department Fund. . . . . | \$17,100,000E |
|---|---------------|

**SECTION 5.255.** — To the Office of Administration

For the payment of OASDHI taxes for all state employees  
and for participating political subdivisions within the  
state to the Treasurer of the United States for compliance  
with current provisions of Title 2 of the Federal Social  
Security Act, as amended, in accordance with the agreement  
between the State Social Security Administrator and the  
Secretary of the Department of Health and Human Services;  
and for administration of the agreement under Section 218  
of the Social Security Act which extends Social Security  
benefits to state and local public employees

|  |                |
|--|----------------|
| From OASDHI Contributions Fund (0 F.T.E.). . . . . | \$139,500,000E |
|--|----------------|

**SECTION 5.260.** — To the Office of Administration

For transferring funds for the state's contribution to the Missouri  
State Employees' Retirement System to the State Retirement  
Contributions Fund

|                                    |                    |
|------------------------------------|--------------------|
| From General Revenue Fund. . . . . | \$136,000,000E     |
| From Federal Funds . . . . .       | 36,500,000E        |
| From Other Sources. . . . .        | <u>30,300,000E</u> |
| Total. . . . .                     | \$202,800,000E     |

**SECTION 5.265.** — To the Office of Administration

For payment of the state's contribution to the Missouri State Employees'  
Retirement System

|  |                |
|--|----------------|
| From State Retirement Contributions Fund (0 F.T.E.). . . . . | \$202,800,000E |
|--|----------------|

**SECTION 5.270.** — To the Office of Administration

For payment of retirement benefits to the Public School Retirement  
System pursuant to Section 104.342, RSMo

|                                    |              |
|------------------------------------|--------------|
| From General Revenue Fund. . . . . | \$2,500,000E |
| From Federal Funds . . . . .       | 1,070,000E   |

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|  |                |
|--|----------------|
| From Video Instructional Development and Educational Opportunity Fund..  | 14,500E        |
| From Lottery Proceeds Fund . . . . .                                     | 30,000E        |
| From Department of Social Services Educational Improvement Fund. . . . . | <u>27,100E</u> |
| Total (0 F.T.E.). . . . .  | \$3,641,600E   |

**SECTION 5.275.** — To the Office of Administration

For the administration of the Deferred Compensation Program  
Expense and Equipment

|   |         |
|---|---------|
| From General Revenue Fund (0 F.T.E.). . . . . | \$2,872 |
|---|---------|

**SECTION 5.280.** — To the Office of Administration

For transferring funds for all state employees who are qualified  
participants in the state Deferred Compensation Plan in  
accordance with Section 105.927, RSMo, and pursuant to  
Section 401(a) of the Internal Revenue Code to the Missouri  
State Employees' Deferred Compensation Incentive Plan  
Administration Fund

|                                    |                   |
|------------------------------------|-------------------|
| From General Revenue Fund. . . . . | \$6,200,000E      |
| From Federal Funds . . . . .       | 2,100,000E        |
| From Other Sources. . . . .        | <u>2,600,000E</u> |
| Total. . . . .                     | \$10,900,000E     |

**SECTION 5.285.** — To the Department of Transportation

For transferring funds for the state's contribution to the Missouri  
State Employees' Deferred Compensation Incentive Plan  
Administration Fund, said transfers to be administered by the  
Office of Administration

|   |              |
|---|--------------|
| From State Highways and Transportation Department Fund. . . . . | \$1,400,000E |
|---|--------------|

**SECTION 5.290.** — To the Office of Administration

For the payment of funds credited by the state at a maximum rate of  
\$25 per month per qualified participant in accordance  
with Section 105.927, RSMo to deferred compensation  
investment companies

|  |               |
|--|---------------|
| From Missouri State Employees' Deferred Compensation<br>Incentive Plan Administration Fund (0 F.T.E.). . . . . | \$12,300,000E |
|--|---------------|

**SECTION 5.295.** — To the Office of Administration

For reimbursing the Division of Employment Security benefit account  
for claims paid to former state employees for unemployment  
insurance coverage and for related professional services

|                                    |                 |
|------------------------------------|-----------------|
| From General Revenue Fund. . . . . | \$1,478,500E    |
| From Federal Funds . . . . .       | 396,700E        |
| From Other Funds. . . . .          | <u>620,251E</u> |
| Total (0 F.T.E.). . . . .          | \$2,495,451     |

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**SECTION 5.300.** — To the Office of Administration

For transferring funds for the state's contribution to the Missouri  
Consolidated Health Care Plan to the Missouri Consolidated  
Health Care Plan Benefit Fund

|                                |                    |
|--------------------------------|--------------------|
| From General Revenue Fund..... | \$110,100,000E     |
| From Federal Funds . . . . .   | 29,500,000E        |
| From Other Sources. . . . .    | <u>17,400,000E</u> |
| Total. . . . .                 | \$157,000,000E     |

**SECTION 5.305.** — To the Office of Administration

For payment of the state's contribution to the Missouri Consolidated  
Health Care Plan

From Missouri Consolidated Health Care Plan Benefit Fund(0 F.T.E.).\$157,000,000E

**SECTION 5.310.** — To the Office of Administration

For paying refunds for overpayment or erroneous payment of employee  
withholding taxes

From General Revenue Fund (0 F.T.E.)..... \$36,000E

**SECTION 5.315.** — To the Office of Administration

For providing voluntary life insurance

From the Missouri State Employees' Voluntary Life Insurance

Fund (0 F.T.E.). . . . . \$732,000E

**SECTION 5.320.** — To the Office of Administration

For paying the several counties of Missouri the amount that has been  
paid into the State Treasury by the United States Treasury as a  
refund from the leases of flood control lands, under the provisions  
of an Act of Congress approved June 28, 1938, to be distributed  
to certain counties in Missouri in accordance with the provisions  
of state law

From Federal Funds (0 F.T.E.)..... \$815,000E

**SECTION 5.325.** — To the Office of Administration

For paying the several counties of Missouri the amount that has been  
paid into the State Treasury by the United States Treasury as  
a refund from the National Forest Reserve, under the provisions  
of an Act of Congress approved June 28, 1938, to be distributed  
to certain counties in Missouri

From Federal Funds (0 F.T.E.)..... \$2,415,000E

**SECTION 5.330.** — To the Office of Administration

There is transferred out of the State Treasury, chargeable to the  
General Revenue Fund, Seven Hundred Thousand Dollars  
(\$700,000) to the Water Development Fund

From General Revenue Fund (0 F.T.E.)..... \$700,000

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**SECTION 5.335.** — To the Office of Administration

For the payment of interest, operations, and maintenance in accordance  
with the Cannon Water Contract

From Water Development Fund (0 F.T.E.). . . . . \$700,000

**SECTION 5.340.** — To the Office of Administration

For the payment of principal, interest, and annual fee requirements  
of the Missouri Health and Educational Facilities Authority for  
Missouri College Savings Bonds

From General Revenue Fund (0 F.T.E.). . . . . \$10,000E

**SECTION 5.345.** — To the Office of Administration

For debt service contingency for the New Jobs Training Certificates Program

From General Revenue Fund (0 F.T.E.). . . . . \$1E

**SECTION 5.350.** — To the Office of Administration

For interest payments on federal grant monies in accordance  
with the Cash Management Improvement Act of 1990 and 1992

From General Revenue Fund (0 F.T.E.). . . . . \$1,400,000E

**SECTION 5.355.** — To the Office of Administration

For payment to counties for salaries of juvenile court personnel as  
provided by Sections 211.393 and 211.394, RSMo

From General Revenue Fund (0 F.T.E.). . . . . \$11,376,560

**SECTION 5.360.** — To the Office of Administration

For participation by the State of Missouri in the Compact for the  
Education Commission of the States

From General Revenue Fund (0 F.T.E.). . . . . \$75,900

**SECTION 5.365.** — To the Office of Administration

For the Bartle Hall Convention Center expansion, operations,  
development, or maintenance in Kansas City pursuant to  
Sections 67.638 through 67.641, RSMo

From General Revenue Fund (0 F.T.E.). . . . . \$2,000,000

**SECTION 5.370.** — To the Office of Administration

For the maintenance of the Jackson County Sports Complex pursuant to  
Sections 67.638 through 67.641, RSMo

From General Revenue Fund (0 F.T.E.). . . . . \$3,000,000

**SECTION 5.375.** — To the Office of Administration

For the expansion of the dual-purpose Transworld Dome project in St. Louis

From General Revenue Fund (0 F.T.E.). . . . . \$12,000,000

**SECTION 5.385.** — To the Office of Administration

For participation by the State of Missouri in the Governmental  
Accounting Standards Board  
From General Revenue Fund (0 F.T.E.)..... \$26,100

**SECTION 5.390.** — To the Office of Administration  
For payments to certain counties with mental institutions for  
reimbursement of salaries of public administrators' secretaries  
From General Revenue Fund (0 F.T.E.)..... \$110,820

**SECTION 5.400.** — To the Office of Administration  
For payments to counties for county correctional prosecution  
reimbursements pursuant to Sections 50.850 and 50.853, RSMo  
From General Revenue Fund (0 F.T.E.)..... \$44,000E

**SECTION 5.405.** — To the Office of Administration  
For paying an amount in aid to the counties that is the net amount  
of costs in criminal cases, transportation of convicted criminals  
to the state penitentiaries, and costs for reimbursement of the  
expenses associated with extradition, less the amount of unpaid  
city or county liability to furnish public defender office space and  
utility services pursuant to Section 600.040, RSMo  
From General Revenue Fund (0 F.T.E.)..... \$30,700,000E

**SECTION 5.410.** — To the Office of Administration  
For county jury fees as provided in Section 494.455, RSMo  
From General Revenue Fund (0 F.T.E.)..... \$468,000

**SECTION 5.415.** — To the Office of Administration  
For the Missouri Citizen's Commission on Compensation for Elected Officials  
From General Revenue Fund (0 F.T.E.)..... \$25,000

**SECTION 5.420.** — To the Office of Administration  
For distribution to regional planning commissions and local governments,  
state grants provided for by Chapter 251, RSMo  
From General Revenue Fund (0 F.T.E.)..... \$580,000

**SECTION 5.425.** — To the Office of Administration  
For establishment of an intergovernmental network for promoting  
economic development  
From Federal Funds (0 F.T.E.)..... \$50,000

**SECTION 5.430.** — To the Office of Administration  
For the payment of claims against the Escheats Fund  
From Escheats Fund (0 F.T.E.). . . . . \$300,000E

**SECTION 5.435.** — To the Office Administration

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For grants to public television stations as provided in Sections 37.200  
through 37.230, RSMo  
From General Revenue Fund (0 F.T.E.). . . . . \$93,315

For grants to public television and public radio stations as  
provided in Section 143.183, RSMo  
From Missouri Public Broadcasting Corporation Special Fund . . . . . 865,677  
Total (0 F.T.E.). . . . . \$958,992

**SECTION 5.440.** — To the Office of Administration

There is transferred out of the State Treasury, chargeable to the  
General Revenue Fund, Eight-Hundred, Sixty-Five  
Thousand, Six-Hundred Seventy-Seven Dollars (\$865,677)  
to the Missouri Public Broadcasting  
Corporation Special Fund  
From General Revenue Fund. . . . . \$865,677

**SECTION 5.445.** — To the Office of Administration

For distribution to the Board of Curators of the University of Missouri  
and the Board of Curators of Lincoln University for use in the  
Colleges of Agriculture and Mechanical Arts under Acts of  
Congress approved August 30, 1890 (26 Stat. L. 417-419)  
and March 4, 1907 (34 Stat. L. 1256; 1281-1282) Department  
of Education, with funds to be apportioned as follows: 1/16 of  
total to Lincoln University; 1/4 to University of Missouri-Rolla;  
and balance to University of Missouri-Columbia  
From Federal Funds (0 F.T.E.). . . . . \$1E

**SECTION 5.450.** — To the Office of Administration

For costs associated with maximizing the amount of federal funds  
received by the State of Missouri  
From General Revenue Fund (0 F.T.E.). . . . . \$100,000E

**SECTION 5.455.** — There is transferred out of the State Treasury, chargeable  
to the General Revenue Fund, such amounts as may become  
necessary, to the State Elections Subsidy Fund

From General Revenue Fund. . . . . \$1,061,431E

**SECTION 5.460.** — To the Office of Administration

For the state's share of special election costs as required by  
Sections 115.077 and 115.063, RSMo. . . . . \$155,001E  
For transaction cost reimbursement as provided for in Section  
115.065, RSMo. . . . . 720,430  
For the cost of producing certain ballots as required by Section  
115.613, RSMo. . . . . 186,000  
From State Elections Subsidy Fund (0 F.T.E.). . . . . \$1,061,431

**SECTION 5.470.** — To the Office of Administration

For funding transition costs for the Governor as provided in Section 26.225,  
RSMo

From General Revenue Fund (0 F.T.E.)..... \$100,000

**SECTION 5.475.** — To the Office of Administration

For funding transition costs for the Lieutenant Governor as provided in  
Section 26.225, RSMo

From General Revenue Fund (0 F.T.E.)..... \$5,000

**SECTION 5.480.** — To the Office of Administration

For funding transition costs for the Secretary of State as provided in  
Section 28.310, RSMo

From General Revenue Fund (0 F.T.E.)..... \$10,000

**SECTION 5.485.** — To the Office of Administration

For funding transition costs for the Treasurer as provided in  
Section 30.510, RSMo

From General Revenue Fund (0 F.T.E.)..... \$10,000

**SECTION 5.490.** — To the Office of Administration

For funding transition costs for the Attorney General as provided in  
Section 27.100, RSMo

From General Revenue Fund (0 F.T.E.)..... \$10,000

**SECTION 5.495.** — There is transferred out of the State Treasury, chargeable  
to the General Revenue Fund, Seven Hundred Fifty Thousand  
Dollars (\$750,000) to various funds for costs related to Article X,  
Section 18 (b) of the Missouri State Constitution

From General Revenue Fund..... \$750,000

**SECTION 5.500.** — There is transferred out of the State Treasury,  
chargeable to the Office of Administration Revolving  
Administrative Trust Fund, One Dollar (\$1E) to the General  
Revenue Fund

From Office of Administration Revolving Administrative Trust Fund..... \$1E

**SECTION 5.505.** — To the Office of Administration

For employee medical expense reimbursements reserve

From General Revenue Fund (0 F.T.E.)..... \$200,000

**SECTION 5.510.** — To the Office of Administration

There is transferred out of the State Treasury, chargeable to the General  
Revenue Fund, such amounts as may be necessary, for cash-flow  
assistance to various funds

From General Revenue Fund..... \$4,700,000E

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**SECTION 5.515.** — To the Office of Administration

There is transferred out of the State Treasury, for repayment of  
cash-flow assistance, to the General Revenue Fund

From Various Funds. . . . . \$4,700,000E

**SECTION 5.520.** — To the Governor

There is transferred out of the State Treasury, chargeable to the Budget  
Stabilization Fund, One Dollar (\$1E) to the General Revenue Fund

From Budget Stabilization Fund. . . . . \$1E

**Bill Totals**

|                               |                      |
|-------------------------------|----------------------|
| General Revenue Fund. . . . . | \$498,441,299        |
| Federal Funds. . . . .        | \$96,260,532         |
| Other Funds. . . . .          | <u>\$205,566,935</u> |
| Total. . . . .                | \$800,268,766        |

Approved June 28, 2000

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**HB 1106 [CCS SCS HCS HB 1106]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: DEPARTMENT OF AGRICULTURE, DEPARTMENT  
OF NATURAL RESOURCES AND DEPARTMENT OF CONSERVATION.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2000 and ending June 30, 2001.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each Department, Division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2000 and ending June 30, 2001, as follows:

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**SECTION 6.005.** — To the Department of Agriculture

For the Office of the Director

|   |               |
|---|---------------|
| Personal Service. . . . .   | \$1,525,450   |
| Annual salary adjustment in accordance with Section 105.005,<br>RSMo. . . . .   | 2,670         |
| Expense and Equipment . . . . .   | 760,472       |
| For Ethanol Commission expenses. . . . .  | 5,000         |
| For refunds of erroneous receipts due to errors in application for licenses,<br>registrations, permits, certificates, subscriptions, or other fees. . . . . | <u>4,000E</u> |
| From General Revenue Fund. . . . .  | 2,297,592     |

|  |               |
|--|---------------|
| Personal Service. . . . .                    | 51,385        |
| Expense and Equipment. . . . .               | <u>41,115</u> |
| From Federal Funds and Other Funds . . . . . | 92,500        |

For the Agricultural Awareness Program

|  |               |
|--|---------------|
| From Federal Funds . . . . .                     | 25,000        |
| From State Institutions Gift Trust Fund. . . . . | <u>25,000</u> |
| Total (Not to exceed 41.00 F.T.E.). . . . .      | \$2,440,092   |

**SECTION 6.010.** — To the Department of Agriculture

For the Office of the Director

For the purpose of funding the Agriculture and Small Business

|                                    |                |
|------------------------------------|----------------|
| Development Authority              |                |
| Personal Service. . . . .          | \$121,344      |
| Expense and Equipment. . . . .     | <u>121,943</u> |
| From General Revenue Fund. . . . . | 243,287        |

|  |               |
|--|---------------|
| Personal Service. . . . .                                      | 57,862        |
| Expense and Equipment. . . . .                                 | <u>22,254</u> |
| From Single Purpose Animal Facility Loan Program Fund. . . . . | 80,116        |

|  |            |
|--|------------|
| Personal Service   |            |
| From Agricultural Product Utilization and Business Development<br>Loan Program Fund. . . . . | <u>900</u> |
| Total (Not to exceed 5.00 F.T.E.). . . . .   | \$324,303  |

**SECTION 6.015.** — To the Department of Agriculture

For the Office of the Director

For operational maintenance and repairs for state-owned facilities

|   |          |
|---|----------|
| From General Revenue Fund (0 F.T.E.). . . . . | \$94,689 |
|---|----------|

**SECTION 6.020.** — To the Department of Agriculture

For the Office of the Director

For Vehicle Replacement

Expense and Equipment

---

|  |                |
|--|----------------|
| From General Revenue Fund. . . . .       | \$26,360       |
| From Animal Care Reserve Fund. . . . .   | 53,220         |
| From Livestock Brands Fee Fund . . . . . | 17,740         |
| From Grain Inspection Fees Fund. . . . . | 124,180        |
| From Petroleum Inspection Fund. . . . .  | <u>177,400</u> |
| Total. . . . .                           | \$398,900      |

**\*SECTION 6.030.** — To the Department of Agriculture

For the Office of the Director

For the purpose of funding research and related activities of the Food  
and Agriculture Policy Research Institute (FAPRI)

From General Revenue Fund (0 F.T.E.). . . . . \$400,000

\*I hereby veto \$100,000 general revenue for the Food and Agricultural Policy Research Institute (FAPRI) at the University of Missouri — Columbia. There is no evidence that additional money will generate measurable results. FAPRI will receive substantial new funds from the federal government for their activities during Fiscal Year 2001. This veto is necessary to ensure a balanced budget.

For the purpose of funding research and related activities of the Food and Agriculture Policy Research Institute (FAPRI) by \$100,000 from \$400,000 to \$300,000 from General Revenue Fund.

From \$400,000 to \$300,000 in total for the section.

MEL CARNAHAN, Governor

**SECTION 6.040.** — To the Department of Agriculture

For the Division of Market Development

Personal Service. . . . . \$1,069,201

Expense and Equipment . . . . . 787,634

For the purpose of funding programs in response to changes in federal fiscal policies with regard to welfare reform. No funds appropriated herein may be expended until a utilization plan has been received and reviewed by both the House Budget Committee Chair and the Senate Appropriations Committee Chair.

For the New Farmers Program. . . . . 240,000

From General Revenue Fund. . . . . 2,096,835

Personal Service. . . . . 75,703

Expense and Equipment. . . . . 100,000

From Federal Funds. . . . . 175,703

Total (Not to exceed 30.74 F.T.E.). . . . . \$2,272,538

**SECTION 6.045.** — To the Department of Agriculture

For the Division of Market Development

For the "AgriMissouri" Marketing Program

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|  |                |
|--|----------------|
| Personal Service. . . . .                                      | \$63,155       |
| Expense and Equipment. . . . .                                 | <u>316,845</u> |
| From General Revenue Fund (Not to exceed 2.00 F.T.E.). . . . . | \$380,000      |

**SECTION 6.050. — To the Department of Agriculture**

For the Division of Market Development

For the Grape and Wine Market and Development Program

|   |                |
|---|----------------|
| Personal Service. . . . .   | \$67,850       |
| Expense and Equipment . . . . .                                   | <u>532,150</u> |
| For Governor's Conference on Agriculture expenses. . . . .        | <u>100,000</u> |
| From Market Development Fund (Not to exceed 2.00 F.T.E.). . . . . | \$700,000      |

**SECTION 6.055. — To the Department of Agriculture**

For the Division of Market Development

For the Agriculture Development Program

|                                    |              |
|------------------------------------|--------------|
| Personal Service. . . . .          | \$46,941     |
| Expense and Equipment. . . . .     | <u>7,190</u> |
| From General Revenue Fund. . . . . | 54,131       |

|   |                |
|---|----------------|
| Personal Service. . . . .   | 161,956        |
| Expense and Equipment . . . . .   | <u>41,232</u>  |
| For all moneys in the Agriculture Development Fund for investment,<br>reinvestment, and for emergency agricultural relief and<br>rehabilitation as provided by law. . . . . | <u>500,000</u> |
| From Agriculture Development Fund. . . . .  | <u>703,188</u> |
| Total (Not to exceed 5.00 F.T.E.). . . . .  | \$757,319      |

**SECTION 6.060. — To the Department of Agriculture**

For the Division of Animal Health

|                                    |                |
|------------------------------------|----------------|
| Personal Service. . . . .          | \$2,162,193    |
| Expense and Equipment. . . . .     | <u>812,196</u> |
| From General Revenue Fund. . . . . | 2,974,389      |

|                                |               |
|--------------------------------|---------------|
| Personal Service. . . . .      | 39,646        |
| Expense and Equipment. . . . . | <u>50,000</u> |
| From Federal Funds . . . . .   | 89,646        |

|  |                |
|--|----------------|
| Personal Service. . . . .                        | 37,214         |
| Expense and Equipment. . . . .                   | <u>400,000</u> |
| From Animal Health Laboratory Fee Fund . . . . . | 437,214        |

|  |               |
|--|---------------|
| Personal Service. . . . .              | 228,234       |
| Expense and Equipment. . . . .         | <u>90,651</u> |
| From Animal Care Reserve Fund. . . . . | 318,885       |

To support the Livestock Brands Program

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|   |               |
|---|---------------|
| Expense and Equipment   |               |
| From Livestock Brands Fee Fund . . . . .                            | 41,010        |
| For expenses incurred in regulating Missouri livestock markets      |               |
| From Livestock Sales and Market Fees Fund. . . . .                  | 32,565        |
| For enforcement activities related to the Livestock Dealer Law      |               |
| From Livestock Dealer Law Enforcement and Administration Fund.. . . | <u>12,250</u> |
| Total (Not to exceed 82.50 F.T.E.). . . . .                         | \$3,905,959   |

**SECTION 6.065. — To the Department of Agriculture**

For the Division of Animal Health

For brucellosis ear tags

From General Revenue Fund (0 F.T.E.). . . . . \$10,925

**SECTION 6.070. — To the Department of Agriculture**

For the Division of Animal Health

For funding indemnity payments and indemnifying producers and  
owners of livestock and poultry for preventing the spread of  
disease during emergencies declared by the State Veterinarian,  
subject to the approval by the Department of Agriculture of a  
state match rate up to 50 percent

From General Revenue Fund (0 F.T.E.). . . . . \$100,000E

**SECTION 6.075. — To the Department of Agriculture**

For the Division of Animal Health

For processing livestock market bankruptcy claims

From Agriculture Bond Trustee Fund (0 F.T.E.). . . . . \$135,000

**SECTION 6.080. — To the Department of Agriculture**

For the Division of Animal Health

For the expenditure of contributions, gifts, and grants in support of  
relief efforts to reduce the suffering of abandoned animals

From State Institutions Gift Trust Fund (0 F.T.E.). . . . . \$5,000

**SECTION 6.085. — To the Department of Agriculture**

For the Division of Grain Inspection and Warehousing

Personal Service. . . . . \$744,917

Expense and Equipment. . . . . 142,184

From General Revenue Fund. . . . . 887,101

Personal Service. . . . . 66,860

Expense and Equipment. . . . . 23,000

From Commodity Council Merchandising Fund.. . . . 89,860

Personal Service. . . . . 1,794,826

---

|  |                  |
|--|------------------|
| Expense and Equipment .....              | 306,402          |
| Payment of Federal User Fee.....         | <u>100,000</u>   |
| From Grain Inspection Fees Fund. ....    | <u>2,201,228</u> |
| Total (Not to exceed 80.75 F.T.E.). .... | \$3,178,189      |

**SECTION 6.090.** — To the Department of Agriculture  
 For the Division of Grain Inspection and Warehousing  
 For refunds to individuals and reimbursements to commodity councils  
 From Commodity Council Merchandising Fund. .... \$85,000E

For the Missouri Aquaculture Council  
 From Aquaculture Marketing Development Fund. .... 25,000E

For research, promotion, and market development of apples  
 From Apple Merchandising Fund. .... 12,000E

For the Missouri Wine Marketing and Research Council  
 From Missouri Wine Marketing and Research Development Fund . .... 15,000E  
 Total (0 F.T.E.). .... \$137,000

**SECTION 6.095.** — To the Department of Agriculture

For the Division of Plant Industries  
 Personal Service. .... \$1,797,758  
 Expense and Equipment ..... 274,545 || For demonstration projects that utilize renewable inputs..... | 168,040 |
| From General Revenue Fund. .... | 2,240,343 |

|  |                  |
|--|------------------|
| Personal Service. ....                   | 244,745          |
| Expense and Equipment. ....              | <u>851,023</u>   |
| From Federal Funds. ....                 | <u>1,095,768</u> |
| Total (Not to exceed 59.63 F.T.E.). .... | \$3,336,111      |

**SECTION 6.100.** — To the Department of Agriculture

For the Division of Plant Industries  
 For the purpose of funding gypsy moth control, including education, research, and management activities, and for the receipt and disbursement of funds donated for gypsy moth control, including education, research, and management activities. Projects funded with donations, including those contributions made by supporting agencies and groups outside the Missouri Department of Agriculture, must receive prior approval from a steering committee composed of one member each from the Missouri Departments of Agriculture, Conservation, Natural Resources, and Economic Development, the United States Department of Agriculture, the Missouri wood products industry, the University of Missouri, and

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|  |                |
|--|----------------|
| other groups as deemed necessary by the Gypsy Moth Advisory Council, to be co-chaired by the Departments of Agriculture and Conservation |                |
| Personal Service. . . . .  | \$40,831       |
| Expense and Equipment. . . . .   | <u>50,358</u>  |
| From General Revenue Fund. . . . .   | 91,189         |
| From Federal Funds and Other Funds. . . . .  | <u>100,000</u> |
| Total (Not to exceed 2.00 F.T.E.). . . . .   | \$191,189      |

**SECTION 6.105. — To the Department of Agriculture**

For the Division of Plant Industries

For the purpose of funding boll weevil suppression and eradication

|                                 |          |
|---------------------------------|----------|
| Personal Service. . . . .       | \$19,665 |
| Expense and Equipment . . . . . | 40,686   |

For ongoing boll weevil suppression and eradication through a cotton growers' organization as provided in Sections 263.050 - 263.537,

|               |                |
|---------------|----------------|
| RSMo. . . . . | <u>622,848</u> |
|---------------|----------------|

From Boll Weevil Suppression and Eradication Fund

|                                     |           |
|-------------------------------------|-----------|
| (Not to exceed .50 F.T.E.). . . . . | \$683,199 |
|-------------------------------------|-----------|

**SECTION 6.110. — To the Department of Agriculture**

For the Division of Weights and Measures

|                                |                |
|--------------------------------|----------------|
| Personal Service. . . . .      | \$1,252,327    |
| Expense and Equipment. . . . . | <u>224,197</u> |

|                                    |           |
|------------------------------------|-----------|
| From General Revenue Fund. . . . . | 1,476,524 |
|------------------------------------|-----------|

Expense and Equipment

|                              |        |
|------------------------------|--------|
| From Federal Funds . . . . . | 26,624 |
|------------------------------|--------|

|                           |           |
|---------------------------|-----------|
| Personal Service. . . . . | 1,139,188 |
|---------------------------|-----------|

|                                |                |
|--------------------------------|----------------|
| Expense and Equipment. . . . . | <u>479,568</u> |
|--------------------------------|----------------|

|   |                  |
|---|------------------|
| From Petroleum Inspection Fund. . . . . | <u>1,618,756</u> |
|---|------------------|

|   |             |
|---|-------------|
| Total (Not to exceed 82.00 F.T.E.). . . . . | \$3,121,904 |
|---|-------------|

**SECTION 6.114. — To the Department of Agriculture**

There is hereby transferred out of the State Treasury, in the event of unforeseen major expenses or revenue shortfalls, chargeable to the General Revenue Fund, One Hundred Fifty Thousand Dollars (\$150,000) to the State Fair Fees Fund

|                                    |           |
|------------------------------------|-----------|
| From General Revenue Fund. . . . . | \$150,000 |
|------------------------------------|-----------|

**SECTION 6.115. — To the Department of Agriculture**

For the Missouri State Fair

|                                |                |
|--------------------------------|----------------|
| Personal Service. . . . .      | \$360,959      |
| Expense and Equipment. . . . . | <u>356,833</u> |

|   |                  |
|---|------------------|
| From General Revenue Fund. . . . .          | 717,792          |
| Personal Service. . . . .                   | 1,166,027        |
| Expense and Equipment. . . . .              | <u>2,261,971</u> |
| From State Fair Fees Fund. . . . .          | <u>3,427,998</u> |
| Total (Not to exceed 61.75 F.T.E.). . . . . | \$4,145,790      |

**SECTION 6.120.** — To the Department of Agriculture

For cash to start the Missouri State Fair

|                                     |               |
|-------------------------------------|---------------|
| Expense and Equipment               |               |
| From State Fair Fees Fund. . . . .  | \$75,000      |
| From State Fair Trust Fund. . . . . | <u>10,000</u> |
| Total (0 F.T.E.). . . . .           | \$85,000      |

**SECTION 6.122.** — To the Department of Agriculture

For the Missouri State Fair

For equipment replacement

|   |           |
|---|-----------|
| Expense and Equipment                         |           |
| From State Fair Fees Fund (0 F.T.E.). . . . . | \$172,062 |

**SECTION 6.125.** — To the Department of Agriculture

For the Missouri State Fair

For the Aid-to-Fairs Premiums Program for youth participants in county,  
local, and district fairs

|   |           |
|---|-----------|
| From General Revenue Fund (0 F.T.E.). . . . . | \$194,795 |
|---|-----------|

**SECTION 6.130.** — To the Department of Agriculture

For the State Milk Board

|  |                |
|--|----------------|
| Personal Service. . . . .  | \$148,656      |
| Expense and Equipment . . . . .  | 9,800          |
| For Personal Service and Expense and Equipment and for contractual<br>services with local health agencies. . . . . | <u>221,350</u> |
| From General Revenue Fund. . . . .   | 379,806        |

|  |                  |
|--|------------------|
| Personal Service. . . . .  | 136,483          |
| Expense and Equipment . . . . .  | 136,374          |
| For Personal Service and Expense and Equipment and for contractual<br>services with local health agencies. . . . . | <u>1,402,970</u> |
| From State Milk Inspection Fee Fund. . . . .   | 1,675,827        |

|   |              |
|---|--------------|
| Expense and Equipment   |              |
| From State Contracted Manufacturing Dairy Plant Inspection and<br>Grading Fee Fund. . . . . | <u>8,000</u> |
| Total (Not to exceed 8.00 F.T.E.). . . . .  | \$2,063,633  |

**SECTION 6.200.** — To the Department of Natural Resources

## For the Office of the Director

|  |                |
|--|----------------|
| Personal Service.....  | \$233,544      |
| Annual salary adjustment in accordance with Section 105.005,<br>RSMo. .... | <u>2,696</u>   |
| From General Revenue Fund. ....  | 236,240        |
| Personal Service.....  | 188,217        |
| Expense and Equipment.....   | <u>78,802</u>  |
| From Federal Funds .....   | 267,019        |
| Personal Service.....  | 144,594        |
| Expense and Equipment.....   | <u>8,908</u>   |
| From DNR Cost Allocation Fund. ....  | <u>153,502</u> |
| Total (Not to exceed 9.00 F.T.E.). ....                                    | \$656,761      |

**SECTION 6.205.** — To the Department of Natural Resources

## For the Division of Administrative Support

|  |                  |
|--|------------------|
| Personal Service.....                                | \$1,177,071      |
| Expense and Equipment.....                           | <u>389,869</u>   |
| From General Revenue Fund. ....                      | 1,566,940        |
| Personal Service.....                                | 623,423          |
| Expense and Equipment . ....                         | 1,137,480        |
| For Contract Audits.....                             | <u>350,000</u>   |
| From Federal Funds and Other Funds . ....            | 2,110,903        |
| Personal Service.....                                | 34,660           |
| Expense and Equipment.....                           | <u>6,535</u>     |
| From Natural Resources Revolving Services Fund ..... | 41,195           |
| Personal Service.....                                | 1,723,715        |
| Personal Service and/or Expense and Equipment .....  | 191,523          |
| Expense and Equipment.....                           | <u>3,277,255</u> |
| From DNR Cost Allocation Fund. ....                  | <u>5,192,493</u> |
| Total (Not to exceed 108.23 F.T.E.). ....            | \$8,911,531      |

**SECTION 6.210.** — To the Department of Natural Resources

## For the purpose of funding Agency-Wide Operations

## For Association Dues

|                                 |               |
|---------------------------------|---------------|
| From General Revenue Fund. .... | \$96,247      |
| Personal Service.....           | 46,080        |
| Expense and Equipment.....      | <u>34,443</u> |
| From Parks Sales Tax Fund.....  | 80,523        |

Expense and Equipment

|  |                   |
|--|-------------------|
| From Natural Resources Protection Fund - Air Pollution Permit Fee              |                   |
| Subaccount. . . . .  | 5,151             |
| For State Auditor Billing  |                   |
| From Federal Funds and Other Funds . . . . .                                   | 35,000            |
| Personal Service. . . . .  | 66,799            |
| Expense and Equipment. . . . .   | <u>13,778</u>     |
| From State Highways and Transportation Department Fund. . . . .                | <u>80,577</u>     |
| Total (Not to exceed 3.00 F.T.E.). . . . .                                     | \$297,498         |
| <b>SECTION 6.215. — To the Department of Natural Resources</b>                 |                   |
| For the Board for the Petroleum Storage Tank Insurance Fund                    |                   |
| For the general administration of the fund and the responsibility for the      |                   |
| proper operations of the fund for all activities authorized under              |                   |
| Section 319.129, RSMo  |                   |
| Personal Service. . . . .  | \$118,381         |
| Expense and Equipment . . . . .  | 2,559,300         |
| For the purpose of funding the refund of erroneous collected receipts. . . . . | 10,000E           |
| For the purpose of funding claims related to Petroleum Storage                 |                   |
| Tank Insurance. . . . .  | <u>4,999,993E</u> |
| From Petroleum Storage Tank Insurance Fund (Not to exceed 3.00 F.T.E.).        | \$7,687,674       |
| <b>SECTION 6.217. — To the Department of Natural Resources</b>                 |                   |
| For the Board of Petroleum Storage Tank Insurance Fund                         |                   |
| For all costs incurred related to MTBE activities, including, but not          |                   |
| limited to, inspections for and cleanup of MTBE                                |                   |
| contamination, but excluding personal service costs                            |                   |
| From Petroleum Storage Tank Insurance Fund. . . . .                            | \$3,000,000       |
| <b>SECTION 6.220. — To the Department of Natural Resources</b>                 |                   |
| For the Energy Center  |                   |
| Personal Service   |                   |
| From General Revenue Fund. . . . .   | \$54,683          |
| Personal Service. . . . .  | 821,127           |
| Expense and Equipment. . . . .   | <u>372,753</u>    |
| From Federal Funds. . . . .  | 1,193,880         |
| Personal Service. . . . .  | 86,225            |
| Expense and Equipment . . . . .  | <u>10,935</u>     |
| From DNR Cost Allocation Fund. . . . .   | 97,160            |
| Personal Service. . . . .  | 291,402           |

|  |               |
|--|---------------|
| Expense and Equipment.....               | <u>52,707</u> |
| From energy Set-Aside Program Fund ..... | 344,109       |

|  |                |
|--|----------------|
| Personal Service.....  | 633,082        |
| Expense and Equipment.....                                     | <u>122,763</u> |
| From Petroleum Violation Escrow Interest Subaccount Fund. .... | <u>755,845</u> |
| Total (Not to exceed 47.99 F.T.E.).....                        | \$2,445,677    |

**SECTION 6.225.** — To the Department of Natural Resources

For the Energy Center

For the purpose of funding the promotion of energy efficiency, renewable energy, and energy efficient state government

|  |                   |
|--|-------------------|
| From Federal Funds.....                    | \$2,784,474E      |
| From Petroleum Violation Escrow Fund ..... | 778,120           |
| From Utilicare Fund. ....                  | 100E              |
| From Energy Set-Aside Program Fund.....    | <u>1,000,000E</u> |
| Total (0 F.T.E.).....                      | \$4,562,694E      |

**SECTION 6.226.** — There is transferred out of the State Treasury, chargeable to the Petroleum Violation Escrow Fund, Seven Hundred Fifty-Three Thousand, Four Hundred Eighty-Five Dollars (\$753,485) to the Petroleum Violation Escrow Interest Subaccount Fund

|   |            |
|---|------------|
| From Petroleum Violation Escrow Fund..... | \$753,485E |
|---|------------|

**SECTION 6.227.** — There is transferred out of the State Treasury, chargeable to the Petroleum Violation Escrow Fund, Ten Million Dollars (\$10,000,000) to the Energy Set-Aside Program Fund

|   |              |
|---|--------------|
| From Petroleum Violation Escrow Fund..... | \$10,000,000 |
|---|--------------|

**SECTION 6.230.** To the Department of Natural Resources

For the State Environmental Improvement and Energy Resources Authority

For all costs incurred in the operation of the authority, including special studies

|   |      |
|---|------|
| From State Environmental Improvement and Energy Resources Authority Fund..... | \$1E |
|---|------|

**SECTION 6.235.** — To the Department of Natural Resources

For the Division of State Parks

For Field Operations and Administration and Support

|                                 |                |
|---------------------------------|----------------|
| Personal Service.....           | \$606,511      |
| Expense and Equipment.....      | <u>241,335</u> |
| From General Revenue Fund. .... | 847,846        |

|                            |                |
|----------------------------|----------------|
| Personal Service.....      | 424,747        |
| Expense and Equipment..... | <u>100,808</u> |
| From Federal Funds .....   | 525,555        |

---

|  |                  |
|--|------------------|
| Personal Service. . . . .                                    | 835,821          |
| Expense and Equipment. . . . .                               | <u>1,389,473</u> |
| From State Park Earnings Fund. . . . .                       | 2,225,294        |
| Personal Service. . . . .                                    | 55,210           |
| Expense and Equipment. . . . .                               | <u>1,000,000</u> |
| From Historic Preservation Revolving Fund. . . . .           | 1,055,210        |
| Personal Service. . . . .                                    | 1,040,744        |
| Expense and Equipment. . . . .                               | <u>140,229</u>   |
| From DNR Cost Allocation Fund. . . . .                       | 1,180,973        |
| Personal Service. . . . .                                    | 254,347          |
| Expense and Equipment. . . . .                               | <u>111,327</u>   |
| From State Facility Maintenance and Operation Fund . . . . . | 365,674          |
| Personal Service. . . . .                                    | 17,841,576       |
| Expense and Equipment . . . . .                              | 7,145,764        |
| For payments to levee districts. . . . .                     | <u>1E</u>        |
| From Parks Sales Tax Fund. . . . .                           | 24,987,341       |
| Personal Service. . . . .                                    | 10,247           |
| Expense and Equipment. . . . .                               | <u>00</u>        |
| From Meramec-Onondaga State Parks Fund . . . . .             | 10,847           |
| Personal Service. . . . .                                    | 210,358          |
| Expense and Equipment. . . . .                               | <u>106,579</u>   |
| From Babler State Park Fund. . . . .                         | <u>316,937</u>   |
| Total (Not to exceed 774.82 F.T.E.). . . . .                 | \$31,515,677     |

**SECTION 6.240. — To the Department of Natural Resources**

For the Division of State Parks

For the Bruce R. Watkins Cultural Heritage Center

From Parks Sales Tax Fund (0 F.T.E.). . . . . \$175,000

**SECTION 6.245. — To the Department of Natural Resources**

For the Division of State Parks

For the payment to counties in lieu of 2000 and prior years real property taxes, as appropriate, on lands acquired by the department after July 1, 1985 for park purposes and not more than the amount of real property tax imposed by political subdivisions at the time acquired, in accordance with the provisions of Section 47(a) of the Constitution of Missouri

From Parks Sales Tax Fund. . . . . \$40,000E

**SECTION 6.250. — To the Department of Natural Resources**



For the Division of State Parks  
For Parks and Historic Sites  
For the expenditure of gifts, recoupments, and recoveries to the state park  
system for the purpose specified by the donor, not to exceed the  
amount of such gift, recoupment, or recovery  
From State Park Earnings Fund (0 F.T.E.). . . . . \$100,000E

**SECTION 6.255.** — To the Department of Natural Resources

For the Division of State Parks  
Expense and Equipment - for equipment replacement with up to five percent  
available for major servicing and repair of heavy equipment only  
From State Park Earnings Fund. . . . . \$2,147,500  
From Meramec-Onondaga State Parks Fund. . . . . 5,000  
Total (0 F.T.E.). . . . . \$2,152,500

**SECTION 6.260.** — To the Department of Natural Resources

For the Division of State Parks  
For the purchase of publications, souvenirs, and other items for resale  
at state parks and state historic sites  
Expense and Equipment  
From State Park Earnings Fund (0 F.T.E.). . . . . \$300,000E

**SECTION 6.265.** — To the Department of Natural Resources

For the Division of State Parks  
For all expenses incurred in the operation of state park concessions  
projects or facilities when such operations are assumed by the  
Department of Natural Resources  
From State Park Earnings Fund (0 F.T.E.). . . . . \$200,000E

**SECTION 6.269.** — There is transferred out of the State Treasury,  
chargeable to the General Revenue Fund, Eight Hundred  
Sixty-Five Thousand, Six Hundred and Seventy-Seven Dollars  
(\$865,677) to the Historic Preservation Revolving Fund, as  
authorized by Section 143.183, RSMo

From General Revenue Fund. . . . . \$865,677

**SECTION 6.270.** — To the Department of Natural Resources

For the Division of State Parks  
For Administration and Support  
For historic restoration grants  
From Federal Funds (0 F.T.E.). . . . . \$500,000

**SECTION 6.275.** — To the Department of Natural Resources

For the Division of State Parks  
For the expenditure of grants to state parks  
From Federal Funds and Other Funds (0 F.T.E.). . . . . \$350,000

**SECTION 6.280.** — To the Department of Natural Resources

For the Division of State Parks

For matching grants for Landmark Local Parks. . . . . \$2,374,280

For matching grants for Local Parks. . . . . 1,582,852

From General Revenue Fund (0 F.T.E.). . . . . \$3,957,132

**SECTION 6.285.** — To the Department of Natural Resources

For the Division of State Parks

For Administration and Support

For grants-in-aid from the Land and Water Conservation Fund and other  
funds to state agencies and political subdivisions for outdoor  
recreation projects

From Federal Funds (0 F.T.E.). . . . . \$2,324,034

**SECTION 6.290.** — To the Department of Natural Resources

For the Division of Geology and Land Survey

For operational maintenance and repairs for state-owned facilities

From General Revenue Fund (0 F.T.E.). . . . . \$8,759

**SECTION 6.295.** — To the Department of Natural Resources

For the Division of Geology and Land Survey

Personal Service. . . . . \$2,473,373

Expense and Equipment. . . . . 607,602

From General Revenue Fund. . . . . 3,080,975

Personal Service. . . . . 2,570,535

Expense and Equipment. . . . . 915,052From Federal Funds and Other Funds. . . . . 3,485,587

Total (Not to exceed 140.31 F.T.E.). . . . . \$6,566,562

**SECTION 6.296.** — To the Department of Natural Resources

For the Division of Geology and Land Survey

For expenditures in accordance with the provisions of Section 259.190,  
RSMo

From Oil and Gas Remedial Fund (0 F.T.E.). . . . . \$23,000E

**SECTION 6.297.** — To the Department of Natural Resources

For the Division of Geology and Land Survey

For surveying corners and for records restoration

From Federal Funds and Other Funds (0 F.T.E.). . . . . \$240,000

**SECTION 6.300.** — To the Department of Natural Resources

For the Division of Environmental Quality

Personal Service. . . . . \$6,877,752

Expense and Equipment. . . . . 1,739,301From General Revenue Fund. . . . . 8,617,053

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|  |                   |
|--|-------------------|
| Personal Service.....                    | 27,735,152        |
| Expense and Equipment.....               | <u>10,821,365</u> |
| From Federal Funds and Other Funds.....  | <u>38,556,517</u> |
| Total (Not to exceed 950.00 F.T.E.)..... | \$47,173,570      |

**SECTION 6.301.** — There is transferred out of the State Treasury, chargeable to the General Revenue Fund, One Million, Two Hundred Thirty-Four Thousand, Seven Hundred Six Dollars (\$1,234,706) to the Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount

From General Revenue Fund. .... \$1,234,706

**SECTION 6.302.** — There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Eight Hundred Fourteen Thousand, Five Hundred and Fifty-Three Dollars (\$814,553) to Hazardous Waste Remedial Fund

From General Revenue Fund. .... \$814,553

**SECTION 6.305.** — To the Department of Natural Resources  
For the Division of Environmental Quality  
For the purpose of funding a motor vehicle emissions program provided, however, that funds appropriated herein shall be administered under the oversight of a committee composed of three members of the House of Representatives appointed by the speaker with no more than two members from any party, three members of the Senate appointed by the President Pro Tem with no more than two members from any party, and the Director of the Department of Natural Resources or his designee. The Attorney General shall file a lawsuit at the earliest possible time in a court of competent jurisdiction challenging the legality and constitutionality of the Clean Air Act as applied to the state of Missouri.

|                            |                |
|----------------------------|----------------|
| Personal Service.....      | \$708,797      |
| Expense and Equipment..... | <u>725,030</u> |

From Missouri Air Pollution Control Fund, Federal Funds, and Other Funds, excluding General Revenue Fund (Not to exceed 22.00 F.T.E.). . . \$1,433,827

**SECTION 6.307.** — To the Department of Natural Resources  
For the Division of Environmental Quality  
For the purpose of funding the construction of a vehicle emission inspection maintenance facility in south county St. Louis

From Federal Funds, Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount, and Other Funds. .... \$2,400,000

**SECTION 6.308.** — To the Department of Natural Resources  
For the Division of Environmental Quality  
For the purpose of funding the operation of a vehicle emission inspection

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maintenance facility in south county St. Louis  
 From Federal Funds, Natural Resources Protection Fund - Air Pollution Permit  
 Fee Subaccount, and Other Funds. . . . . \$375,000

**SECTION 6.310.** To the Department of Natural Resources

For the Division of Environmental Quality  
 For contracts for the analysis of hazardous waste samples  
 From Federal Funds. . . . . \$100,000  
 From Hazardous Waste Remedial Fund.. . . . 60,210  
 Total (0 F.T.E.). . . . . \$160,210

**SECTION 6.315.** — To the Department of Natural Resources

For the Division of Environmental Quality  
 For the environmental emergency response system  
     Expense and Equipment  
 From Hazardous Waste Remedial Fund.. . . . \$30,000E  
 From Federal Funds . . . . . 250,000

For cleanup of controlled substances  
 From Federal Funds . . . . . 125,000E  
 From Controlled Substance Cleanup Fund. . . . . 125,000  
 Total . . . . . \$530,000

**SECTION 6.320.** — To the Department of Natural Resources

For the Division of Environmental Quality  
 For emergency response loans in accordance with Section 260.546, RSMo  
     Expense and Equipment  
 From Hazardous Waste Remedial Fund (0 F.T.E.). . . . . \$150,000

**SECTION 6.325.** — To the Department of Natural Resources

For the Division of Environmental Quality  
 For the cleanup of leaking underground storage tanks  
 From Federal Funds (0 F.T.E.).. . . . \$400,000

**SECTION 6.330.** — To the Department of Natural Resources

For the Division of Environmental Quality  
 For grants and contracts to study or reduce water pollution, improve  
     ground water and/or surface water quality, for grants to colleges  
     for wastewater operator training, and for grants for lake restoration  
 From General Revenue Fund. . . . . \$534,000  
 From Federal Funds . . . . . 1,444,925E  
 From Natural Resources Protection Fund - Water Pollution Permit  
     Fee Subaccount. . . . . 50,000  
 Total (0 F.T.E.). . . . . \$2,028,925

**SECTION 6.335.** — To the Department of Natural Resources

For the Division of Environmental Quality  
For drinking water sampling, analysis, and public drinking water quality  
and treatment studies  
From General Revenue Fund (0 F.T.E.). . . . . \$296,444

**SECTION 6.340.** — To the Department of Natural Resources

For the Division of Environmental Quality  
For the state's share of construction grants for wastewater treatment facilities  
From Water Pollution Control Fund. . . . . \$3,000,000

For ground water monitoring or contracted engineering reviews  
From General Revenue Fund. . . . . 249,600  
For closure of concentrated animal feeding operations  
From Concentrated Animal Feeding Operation Indemnity Fund. . . . . 100,000  
Total (0 F.T.E.). . . . . \$3,349,600

**SECTION 6.344.** — There is transferred out of the State Treasury, chargeable  
to the Water Pollution Control Fund, Ten Million, Six  
Hundred Thousand Dollars (\$10,600,000) to the Water and  
Wastewater Loan Fund and/or the Water and Wastewater Loan  
Revolving Fund

From Water Pollution Control Fund. . . . . \$10,600,000

**SECTION 6.345.** — To the Department of Natural Resources

For the Division of Environmental Quality  
For loans for wastewater treatment facilities pursuant to Sections  
644.026-644.124, RSMo  
From Water and Wastewater Loan Fund and/or Water and  
Wastewater Loan Revolving Fund (0 F.T.E.).. . . . \$60,000,000

**SECTION 6.350.** — To the Department of Natural Resources

For the Division of Environmental Quality  
For loans for drinking water systems pursuant to Sections 644.026 - 644.124,  
RSMo  
From General Revenue Fund. . . . . \$2,700,000  
From Water and Wastewater Loan Fund.. . . . 22,000,000  
Total (0 F.T.E.). . . . . \$24,700,000

**SECTION 6.355.** — To the Department of Natural Resources

For the Division of Environmental Quality  
For the Clean Water Commission  
For stormwater control grants or loans  
From Stormwater Control Fund (0 F.T.E.). . . . . \$20,000,000

**SECTION 6.356.** — To the Department of Natural Resources

For the Division of Environmental Quality

For the purpose of funding the removal of a river obstruction  
on the South Grand River in Henry County  
From General Revenue Fund. . . . . \$400,000

**SECTION 6.360.** — To the Department of Natural Resources  
For the Division of Environmental Quality  
For rural sewer and water grants and loans  
From Water Pollution Control Fund. . . . . \$20,660,000E

**SECTION 6.365.** — To the Department of Natural Resources  
For the Division of Environmental Quality  
For contracting for permit application and supporting document reviews  
From Federal Funds and Other Funds (0 F.T.E.). . . . . \$375,000

**SECTION 6.370.** — To the Department of Natural Resources  
For the Division of Environmental Quality  
For grants to local air pollution control agencies and for grants to  
organizations for air pollution  
From Federal Funds. . . . . \$1,300,000  
From Natural Resources Protection Fund - Air Pollution Permit Fee  
Subaccount. . . . . 1,725,000

For asbestos grants to local air pollution control agencies  
From Natural Resources Protection Fund - Air Pollution Asbestos Fee  
Subaccount. . . . . 150,000  
Total (0 F.T.E.). . . . . \$3,175,000

**SECTION 6.372.** — To the Department of Natural Resources  
For the Department of Environmental Quality  
For low-income emission repairs  
From General Revenue Fund. . . . . \$250,000  
From Federal Funds. . . . . 1,750,000  
Total (0 F.T.E.). . . . . \$2,000,000

**SECTION 6.375.** — To the Department of Natural Resources  
For the Division of Environmental Quality  
For the receipt and expenditure of bond forfeiture funds for the  
reclamation of mined land  
From Mined Land Reclamation Fund (0 F.T.E.). . . . . \$1,400,000

**SECTION 6.380.** — To the Department of Natural Resources  
For the Division of Environmental Quality  
For the reclamation of mined lands under the provisions of  
Section 444.960, RSMo  
From Coal Mine Land Reclamation Fund (0 F.T.E.). . . . . \$1,000,000

**SECTION 6.385.** — To the Department of Natural Resources  
For the Division of Environmental Quality  
For the reclamation of abandoned mined lands  
From Federal Funds (0 F.T.E.). . . . . \$3,500,000

**SECTION 6.390.** — To the Department of Natural Resources  
For the Division of Environmental Quality  
For contracts for hydrologic studies to assist small coal operators to meet  
permit requirements  
From Federal Funds (0 F.T.E.). . . . . \$50,000

**SECTION 6.395.** — To the Department of Natural Resources  
For the Division of Environmental Quality  
For grants to local soil and water conservation districts  
From Soil and Water Sales Tax Fund (0 F.T.E.). . . . . \$6,748,460

**SECTION 6.400.** — To the Department of Natural Resources  
For the Division of Environmental Quality  
For demonstration projects related to soil and water conservation  
From Federal Funds (0 F.T.E.). . . . . \$100,000

For soil and water conservation cost-share grants  
From Soil and Water Sales Tax Fund. . . . . 20,000,000  
Total (0 F.T.E.). . . . . \$20,100,000

**SECTION 6.405.** — To the Department of Natural Resources  
For the Division of Environmental Quality  
For a loan interest-share program  
From Soil and Water Sales Tax Fund (0 F.T.E.). . . . . \$800,000

**SECTION 6.410.** — To the Department of Natural Resources  
For the Division of Environmental Quality  
For a special area land treatment program  
From Soil and Water Sales Tax Fund (0 F.T.E.). . . . . \$3,696,200

**SECTION 6.415.** — To the Department of Natural Resources  
For the Division of Environmental Quality  
For grants to colleges and universities for research projects on soil  
erosion and conservation  
From Soil and Water Sales Tax Fund (0 F.T.E.). . . . . \$160,000

**SECTION 6.420.** — To the Department of Natural Resources  
For the Division of Environmental Quality  
For the cleanup of hazardous waste sites  
From Federal Funds and Other Funds. . . . . \$1,000,000E  
From Hazardous Waste Remedial Fund. . . . . 21,274E

Total (0 F.T.E.). . . . . \$1,021,274E

**SECTION 6.425.** — To the Department of Natural Resources

For the Division of Environmental Quality

For implementation provisions of Solid Waste Management Law in  
accordance with Sections 260.250, RSMo through 260.345,  
RSMo, and Section 260.432, RSMo

From Solid Waste Management Fund. . . . . \$6,300,000

From Solid Waste Management Fund - Scrap Tire Subaccount. . . . . 1,637,000

Total (0 F.T.E.). . . . . \$7,937,000

**SECTION 6.430.** — To the Department of Natural Resources

For the Division of Environmental Quality

For expenditures of payments received for damages to the state's  
natural resources

From Natural Resources Protection Fund - Damages Subaccount or

Natural Resources Protection Fund-Water Permit Subaccount. . . . . \$269,711E

For funding expenditures of forfeited financial assurance instruments  
to ensure proper closure and post closure of solid waste landfills

From General Revenue Fund. . . . . 74,519E

From Post Closure Fund. . . . . 141,599E

Total (0 F.T.E.). . . . . \$485,829E

**SECTION 6.435.** — To the Department of Natural Resources

For the Division of Environmental Quality

For the purpose of funding environmental education and technical assistance grants

From Federal Funds (0 F.T.E.). . . . . \$125,000

**SECTION 6.440.** — To the Department of Natural Resources

For revolving services

Expense and Equipment

From Natural Resources Revolving Services Fund (0 F.T.E.). . . . . \$2,644,470

**SECTION 6.445.** — To the Department of Natural Resources

For the purpose of funding the refund of erroneous collected receipts

From any funds administered by the Department of Natural Resources

except General Revenue Fund (0 F.T.E.). . . . . \$250,000E

**SECTION 6.450.** — To the Department of Natural Resources

For the Division of State Parks

For sales tax on retail sales in state parks and historic sites

From State Park Earnings Fund and Other Funds excluding General

Revenue Fund (0 F.T.E.). . . . . \$235,000E



**SECTION 6.455.** To the Department of Natural Resources

For the Division of Environmental Quality

For minority and under-represented student scholarships

|  |                |
|--|----------------|
| From General Revenue Fund. . . . .                       | \$50,000       |
| From Recruitment and Retention Scholarship Fund. . . . . | <u>50,000E</u> |
| Total (0 F.T.E.). . . . .                                | \$100,000      |

**SECTION 6.460.** — There is transferred out of the State Treasury to the

DNR Cost Allocation Fund

|  |              |
|--|--------------|
| From Missouri Air Emission Reduction Fund. . . . .   | \$240,959    |
| From Solid Waste Management Fund . . . . .   | 261,162      |
| From Metallic Minerals Waste Management Fund . . . . .                                     | 16,768       |
| From Water and Waste Water Loan Fund . . . . .   | 142,885      |
| From Hazardous Waste Remedial Fund . . . . .   | 563,155      |
| From State Park Earnings Fund.. . . .  | 758,551      |
| From Historic Preservation Revolving Fund.. . . .  | 12,207       |
| From Natural Resources Protection Fund . . . . .   | 3,937        |
| From Natural Resources Protection Fund - Water Pollution Permit Fee<br>Subaccount. . . . . | 661,640      |
| From Solid Waste Management Fund - Scrap Tire Subaccount . . . . .                         | 82,154       |
| From Natural Resources Protection Fund - Air Pollution Asbestos Fee<br>Subaccount. . . . . | 41,832       |
| From Petroleum Storage Tank Insurance Fund . . . . .                                       | 385,367      |
| From Underground Storage Tank Regulation Program Fund.. . . .                              | 44,011       |
| From Natural Resources Protection Fund - Air Pollution Permit Fee<br>Subaccount. . . . .   | 948,911      |
| From Parks Sales Tax Fund.. . . .  | 3,966,711    |
| From Soil and Water Sales Tax Fund . . . . .   | 694,403      |
| From Groundwater Protection Fund . . . . .   | 53,620       |
| From Energy Set-Aside Program Fund . . . . .   | 84,454       |
| From State Land Survey Fund.. . . .  | 330,221      |
| From Petroleum Violation Escrow Fund . . . . .   | 237,913      |
| From Hazardous Waste Fund. . . . .   | 227,985      |
| From Safe Drinking Water Fund.. . . .  | 404,358      |
| From Missouri Air Pollution Control Fund.. . . .   | <u>9,722</u> |
| Total. . . . .   | \$10,172,926 |

**SECTION 6.600.** To the Department of Conservation

For Personal Service and Expense and Equipment, including refunds;

and for payments to counties for the unimproved value of land

in lieu of property taxes for privately owned lands acquired

by the Conservation Commission after July 1, 1977 and for

lands classified as forest croplands

From Conservation Commission Fund (Not to exceed 1,835.61

F.T.E.).. . . . \$121,748,965

**Bill Totals**

|                                |                      |
|--------------------------------|----------------------|
| General Revenue Fund.. . . . . | \$40,751,132         |
| Federal Funds.. . . . .        | \$42,035,072         |
| Other Funds. . . . .           | <u>\$384,071,667</u> |
| Total.. . . . .                | \$466,857,871        |

Approved June 28, 2000

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## HB 1107 [CCS SCS HCS HB 1107]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: DEPARTMENT OF ECONOMIC DEVELOPMENT,  
DEPARTMENT OF INSURANCE AND DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each Department, Division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2000 and ending June 30, 2001, as follows:

**SECTION 7.005.** — To the Department of Economic Development

For general administration of Administrative Services

|   |             |
|---|-------------|
| Personal Service. . . . .   | \$1,610,858 |
| Annual salary adjustment in accordance with Section 105.005, RSMo . . . | 2,574       |
| Expense and Equipment . . . . .   | 923,696     |

For the Missouri WORKS Program

For the purpose of funding programs in response to changes in federal fiscal policies with regard to welfare reform. No funds appropriated herein may be expended until a utilization plan has been received and reviewed by both the House Budget Committee Chair and the Senate Appropriations

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|  |                  |
|--|------------------|
| Committee Chair  |                  |
| Personal Service.....  | 550,524          |
| Expense and Equipment.....   | <u>221,955</u>   |
| From General Revenue Fund. ....  | 3,309,607        |
| Personal Service.....  | 3,533,848        |
| Annual salary adjustment in accordance with Section 105.005,<br>RSMo. .... | 96               |
| Expense and Equipment . ....   | <u>1,858,666</u> |
| From Federal Funds . ....  | 5,392,610        |
| Personal Service.....  | 1,219,128        |
| Expense and Equipment . ....   | 2,071,592        |
| For refunds. ....  | <u>5,000E</u>    |
| From Department of Economic Development Administrative Fund... .           | <u>3,295,720</u> |
| Total (Not to exceed 185.50 F.T.E.).....                                   | \$11,997,937     |

**SECTION 7.015.** — There is transferred, for mailroom and support services, administrative services, rent for state office buildings by the Department of Economic Development, and information systems, the following amounts to the Department of Economic Development Administrative Fund

|  |                 |
|--|-----------------|
| From Federal Funds.....                                      | \$247,990E      |
| From Division of Tourism Supplemental Revenue Fund .....     | 159,347E        |
| From State Highways and Transportation Department Fund ..... | 109,715E        |
| From Railroad Expense Fund .....                             | 5,774E          |
| From Division of Finance Fund.....                           | 80,504E         |
| From Division of Credit Unions Fund.....                     | 32,588E         |
| From Manufactured Housing Fund . ....                        | 11,065E         |
| From Public Service Commission Fund. ....                    | 208,224E        |
| From Professional Registration Fees Fund. ....               | <u>623,586E</u> |
| Total. ....  | \$1,478,793E    |

**SECTION 7.020.** — To the Department of Economic Development  
There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Two Million, Twenty-Two Thousand, Seven Hundred Forty-One Dollars (\$2,022,741) to the Missouri Supplemental Tax Increment Financing Fund

|                                 |             |
|---------------------------------|-------------|
| From General Revenue Fund. .... | \$2,022,741 |
|---------------------------------|-------------|

**SECTION 7.025.** — To the Department of Economic Development  
For Missouri supplemental tax increment financing as provided in Section 99.845, RSMo. This appropriation may be used for the following projects: Kansas City Midtown, Excelsior Springs Elms Hotel, Independence Santa Fe Trail Neighborhood, St. Louis City Convention Hotel, Riverside Levee, Vista Del Rio and Cupples Station.

In accordance with Section 99.845, RSMo, the appropriation shall not be made unless the applications for the projects have been approved by the Director of the Department of Economic Development and the Commissioner of the Office of Administration  
 From Missouri Supplemental Tax Increment Financing Fund.. . . . \$2,022,741

**SECTION 7.030.** — To the Department of Economic Development

For general administration of Business Development activities

Personal Service. . . . . \$876,458

Expense and Equipment. . . . . 2,293,844

For the purpose of funding a community based non-profit to create a cyber community center in the City of St. Louis that will act as a community resource for supporting business and individuals in their home communities. . . . . 200,000

For the purpose of funding a research park on Ft. Leonard Wood .. . . 1,000,000

From General Revenue Fund. . . . . 4,370,302

Personal Service

From Federal Funds and Other Funds . . . . . 62,066

Personal Service. . . . . 86,744

Expense and Equipment. . . . . 25,600

From Department of Economic Development Administrative Fund. . . . . 112,374

From International Promotions Revolving Fund . . . . . 75,000E

Personal Service

From Missouri Technology Investment Fund . . . . . 53,024

For the Business Extension Service Team Program

From Business Extension Service Team Fund. . . . . 2,060,000

For the Electronic Materials Applied Resource Center

From Missouri Technology Investment Fund . . . . . 150,000

For the Mid-America Manufacturing Technology Center

All Expenditures

From Federal Funds . . . . . 500,000E

From Private Contributions . . . . . 500,000E

From Missouri Technology Investment Fund . . . . . 2,119,950

For Innovation Centers . . . . . 974,640

For Small Business Development Center Satellites . . . . . 549,010

For Centers for Advanced Technology. . . . . 1,190,532

From Missouri Technology Investment Fund. . . . . 2,714,182

Total (Not to exceed 28.75 F.T.E.). . . . . \$12,716,898

**SECTION 7.035.** — There is transferred out of the State Treasury,  
chargeable to the General Revenue Fund, Two Million,  
Sixty Thousand Dollars (\$2,060,000) to the Business  
Extension Service Team Fund  
From General Revenue Fund. . . . . \$2,060,000

**SECTION 7.040.** — There is transferred out of the State Treasury,  
chargeable to the General Revenue Fund, Five Million,  
Thirty-Four Thousand, One Hundred Eighty-Two  
Dollars (\$5,034,182) to the Missouri Technology Investment  
Fund, for the Electronic Materials Applied Research Center,  
Mid-America Manufacturing Technology Center, Innovation  
Centers, Small Business Development Center Satellites, and  
Centers for Advanced Technology  
From General Revenue Fund. . . . . \$5,034,182

**SECTION 7.042.** — There is transferred out of the State Treasury,  
chargeable to the Missouri Capital Access Program Fund,  
Two Hundred Forty-Two Thousand, Five Hundred Dollars  
(\$242,500) to the General Revenue Fund  
From Missouri Capital Access Program Fund. . . . . \$242,500

**SECTION 7.045.** — To the Department of Economic Development  
For general administration of Business Expansion and Attraction activities.  
The Director of the Department of Economic Development shall  
provide a report specifying the amount of tax credits approved per  
project for Enterprise Zone credits. This report is to be submitted  
to the Senate Appropriations Committee Chair and the House Budget  
Committee Chair by January 15 of each year.  
Personal Service. . . . . \$1,571,963  
Expense and Equipment. . . . . 1,794,118  
From General Revenue Fund. . . . . 3,366,081

Personal Service. . . . . 148,791  
Expense and Equipment. . . . . 6,974  
From Federal Funds . . . . . 155,765

Personal Service. . . . . 257,890  
Expense and Equipment. . . . . 88,389  
From Missouri Job Development Fund . . . . . 346,279

For the Brownfields Redevelopment Program to include at least \$500,000 for  
the Lewis and Clark Redevelopment Project in Kansas City  
From Property Reuse Fund . . . . . 5,400,000

For the purpose of funding programs in response to changes in federal fiscal

policies with regard to welfare reform. No funds appropriated herein may be expended until a utilization plan has been received and reviewed by both the House Budget Committee Chair and the Senate Appropriations Committee Chair.

For funding new and expanding industry training programs and basic industry retraining programs  
From Missouri Job Development Fund . . . . . 15,075,000

For the purpose of funding programs in response to changes in federal fiscal policies with regard to welfare reform. No funds appropriated herein may be expended until a utilization plan has been received and reviewed by both the House Budget Committee Chair and the Senate Appropriations Committee Chair.

For the Missouri Community College New Jobs Training Program  
For funding training of workers by community college districts  
From Missouri Community College Job Training Program Fund. . . . . 18,000,000

For the Missouri Development Finance Board  
For the purpose of funding the Lewis and Clark Redevelopment Project in Kansas City  
From Infrastructure Development Fund . . . . . 1,500,000

From Industrial Development and Reserve Fund. . . . . 200,000  
Total (Not to exceed 55.00 F.T.E.). . . . . \$44,043,125

**SECTION 7.050.** — There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Fifteen Million, Seventy-Five Thousand Dollars (\$15,075,000) to the Missouri Job Development Fund  
From General Revenue Fund. . . . . \$15,075,000

**SECTION 7.051.** — There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Five Hundred Thousand Dollars (\$500,000) to the Property Reuse Fund  
From General Revenue Fund. . . . . \$500,000

**SECTION 7.052.** — There is transferred out of the State Treasury, chargeable to the General Revenue Fund, One Million, Five Hundred Thousand Dollars (\$1,500,000) to the Infrastructure Development Fund  
From General Revenue Fund. . . . . \$1,500,000

**SECTION 7.055.** — To the Department of Economic Development  
For general administration of Community Development activities  
Personal Service. . . . . \$1,515,015  
Expense and Equipment. . . . . 532,454

From General Revenue Fund. . . . . 2,047,469

    Personal Service. . . . . 606,362

    Expense and Equipment. . . . . 454,237

From Federal Funds . . . . . 1,060,599

For the Missouri Main Street Program

From Missouri Main Street Program Fund . . . . . 148,871

For Community Development programs

There is hereby appropriated \$28,000,000E from Federal Funds, and

    the expenditure of block grants received by the Department

    of Economic Development which shall be administered

    under the oversight of a committee composed of five members

    of the House of Representatives, to be appointed by the Speaker,

    five members of the Senate, to be appointed by the President

    Pro Tem. No political party shall be represented by more than

    three appointed members from each house.

From Federal Funds . . . . . 28,000,000E

For the Missouri Community Services Commission

    Personal Service

From General Revenue Fund. . . . . 76,367

    Personal Service. . . . . 99,608

    Expense and Equipment. . . . . 2,521,864E

From Federal Funds and Other Funds . . . . . 2,621,472

For the purpose of funding programs in response to changes in federal  
fiscal policies with regarding to welfare reform. No funds appropriated  
herein by be expended until a utilization plan has been received and  
reviewed by both the House Budget Committee Chair and the Senate  
Appropriations Committee Chair.

For Community Development Corporations, job training, or retraining  
activities

    Personal Service. . . . . 51,388

    Expense and Equipment. . . . . 1,922,930

From General Revenue Fund. . . . . 1,974,318

For Community Development Corporations, job training, or retraining  
activities

From Federal Funds and Other Funds . . . . . 250,000

From Department of Economic Development Administrative Fund.. . . . 250,000

For the Youth Opportunities and Violence Prevention Program

From Youth Opportunities and Violence Prevention Fund.. . . . 250,000

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|   |                  |
|---|------------------|
| For Rural Development grants to include at least \$300,000 for Economic Development assistance to tobacco producing areas of the state  |                  |
| From General Revenue Fund. . . . .  | 812,500          |
| For the Missouri State Council on the Arts  |                  |
| Personal Service. . . . .   | 342,968          |
| Expense and Equipment. . . . .  | <u>5,269,153</u> |
| From General Revenue Fund. . . . .  | 5,639,121        |
| Personal Service. . . . .   | 252,200          |
| Expense and Equipment. . . . .  | <u>699,021</u>   |
| From Federal Funds . . . . .  | 951,221          |
| Personal Service. . . . .   | 89,000           |
| Expense and Equipment . . . . .   | 30,000           |
| For capital incentives for nonprofit organizations and for technical assistance to small, mid-sized and minority arts groups.. . . .  | <u>841,000</u>   |
| From Missouri Arts Council Trust Fund. . . . .  | 960,000          |
| For the Missouri State Council on the Arts  |                  |
| For the Missouri Humanities Council   |                  |
| From General Revenue Fund . . . . .   | 300,000          |
| From Federal Funds. . . . .   | <u>532,000</u>   |
| Total (Not to exceed 82.75 F.T.E.). . . . .   | \$45,873,938     |
| <b>SECTION 7.060.</b> — There is transferred out of the State Treasury, chargeable to the General Revenue Fund, One Hundred Thousand Dollars (\$100,000) to the Missouri Main Street Program Fund   |                  |
| From General Revenue Fund. . . . .  | \$100,000        |
| <b>SECTION 7.065.</b> — There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Five Million, One Hundred Ninety-Four Thousand, Sixty Dollars (\$5,194,060) to the Missouri Arts Council Trust Fund as authorized by Sections 185.100 and 143.183, RSMo |                  |
| From General Revenue Fund. . . . .  | \$5,194,060      |
| <b>SECTION 7.070.</b> — There is transferred out of the State Treasury chargeable to the General Revenue fund, Eight Hundred, Sixty-Five Thousand, Six Hundred Seventy-Seven Dollars (\$865,677) to the Missouri Humanities Council Trust Fund as authorized by Section 186.065, RSMo   |                  |
| From General Revenue Fund. . . . .  | \$865,677        |

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**SECTION 7.075.** — To the Department of Economic Development

For the purpose of funding the general administration of Workforce Development activities. The Director of the Department of Economic Development shall provide a report specifying the amount of funding approved per project for New Jobs Training Program. This report is to be submitted to the Senate Appropriations Committee Chair and the House Budget Committee Chair by January 15 of each year.

For the Division of Workforce Development

|                                    |               |
|------------------------------------|---------------|
| Personal Service.....              | 42,427        |
| Expense and Equipment . . . . .    | <u>66,030</u> |
| From General Revenue Fund. . . . . | 108,457       |

|                                 |                   |
|---------------------------------|-------------------|
| Personal Service.....           | 19,375,924        |
| Expense and Equipment . . . . . | <u>3,370,784E</u> |
| From Federal Funds . . . . .    | 22,746,708        |

For job training and related activities

|  |            |
|--|------------|
| From Federal Funds and Other Funds . . . . . | 65,000,000 |
|--|------------|

For the Youth Service Conservation Corps

For funding educational, employment, training, and community services projects for youth

|  |         |
|--|---------|
| From Youth Service and Conservation Corps Fund . . . . . | 550,000 |
|--|---------|

For the Trade Adjustment Assistance Program to provide services for unemployed persons displaced from their jobs because of foreign trade, as authorized under the Trade Act of 1974, Public Law 93-618

|                              |           |
|------------------------------|-----------|
| From Federal Funds . . . . . | 3,000,000 |
|------------------------------|-----------|

For administration of programs authorized and funded by the United States Department of Labor, such as Trade Adjustment Assistance (TAA) and Job Training Partnership Act (JTPA), and provided that all funds shall be expended from discrete accounts and that no monies shall be expended for funding administration of these programs by the Division of Workforce Development

|                              |           |
|------------------------------|-----------|
| From Federal Funds . . . . . | 3,000,000 |
|------------------------------|-----------|

For One-Stop Electronic Information System implementation

|  |         |
|--|---------|
| From Federal Funds and Other Funds . . . . . | 750,000 |
|--|---------|

For assistance to Local Workforce Investment Boards

|  |         |
|--|---------|
| From Federal Funds and Other Funds . . . . . | 700,000 |
|--|---------|

For the Missouri Women's Council

|                       |         |
|-----------------------|---------|
| Personal Service..... | 109,674 |
|-----------------------|---------|

|                                    |               |
|------------------------------------|---------------|
| Expense and Equipment. . . . .     | <u>54,403</u> |
| From General Revenue Fund. . . . . | 164,077       |

|                                    |         |
|------------------------------------|---------|
| For the Caring Communities Program |         |
| From General Revenue Fund. . . . . | 83,333  |
| From Federal Funds . . . . .       | 166,667 |

|  |                |
|--|----------------|
| For the purchase and renovation of buildings, land, and erection<br>of buildings |                |
| From Special Employment Security Fund. . . . .                                   | <u>216,000</u> |
| Total (Not to exceed 613.22 F.T.E.). . . . .                                     | \$96,485,242   |

**SECTION 7.080.** — To the Department of Economic Development

For the Division of Tourism to include coordination of advertising of at least  
\$70,000 for the Missouri State Fair

|   |                |
|---|----------------|
| Personal Service. . . . .   | \$442,581      |
| Expense and Equipment . . . . .                                   | 384,843        |
| For the Missouri Lewis and Clark Bicentennial Commission. . . . . | <u>500,000</u> |
| From General Revenue Fund. . . . .                                | 1,327,424      |

|  |                   |
|--|-------------------|
| Personal Service. . . . .                                    | 871,694           |
| Expense and Equipment. . . . .                               | <u>14,249,942</u> |
| From Division of Tourism Supplemental Revenue Fund . . . . . | 15,121,636        |

|   |               |
|---|---------------|
| Expense and Equipment                       |               |
| From Tourism Marketing Fund. . . . .        | <u>15,000</u> |
| Total (Not to exceed 42.00 F.T.E.). . . . . | \$16,464,060  |

**SECTION 7.085.** — There is transferred out of the State Treasury,  
chargeable to the General Revenue Fund, Fifteen Million,  
Fifty-Five Thousand, Four Hundred Eighty-One Dollars  
(\$15,055,481) to the Division of Tourism Supplemental  
Revenue Fund

|                                    |              |
|------------------------------------|--------------|
| From General Revenue Fund. . . . . | \$15,055,481 |
|------------------------------------|--------------|

**SECTION 7.090.** — To the Department of Economic Development

For general administration of Affordable Housing activities

For the Missouri Housing Development Commission

For funding house subsidy grants or loans

|   |              |
|---|--------------|
| From Missouri Housing Trust Fund. . . . . | \$3,500,000E |
|---|--------------|

For Manufactured Housing

|  |                |
|--|----------------|
| Personal Service. . . . .                | <u>334,238</u> |
| Expense and Equipment. . . . .           | <u>171,323</u> |
| From Manufactured Housing Fund . . . . . | 505,561        |

For Manufactured Housing Programs  
 From Manufactured Housing Fund . . . . . 7,935E

For Refunds  
 From Manufactured Housing Fund. . . . . 10,000E  
 Total (Not to exceed 11.00 F.T.E.). . . . . \$4,023,496

**SECTION 7.095.** — To the Department of Economic Development

For general administration of Financial Institution Safety and  
 Soundness activities  
 For Division of Credit Unions  
 Personal Service. . . . . \$675,710  
 Expense and Equipment. . . . . 110,025  
 From Division of Credit Unions Fund. . . . . 785,735

For Division of Finance  
 Personal Service. . . . . 4,636,879  
 Expense and Equipment. . . . . 856,325  
 From Division of Finance Fund. . . . . 5,493,204  
 Total (Not to exceed 119.65 F.T.E.). . . . . \$6,278,939

**SECTION 7.100.** There is transferred out of the Division of Savings  
 and Loan Supervision Fund, Thirty-Nine Thousand, Four  
 Hundred Dollars (\$39,400) to the Division of Finance  
 Fund, for the purpose of supervising state chartered savings  
 and loan associations

From Division of Savings and Loan Supervision Fund. . . . . \$39,400E

**SECTION 7.105.** — There is transferred out of the Residential Mortgage

Licensing Fund, One Hundred Fifty Thousand Dollars  
 (\$150,000) to the Division of Finance Fund, for the purpose  
 of administering the Residential Mortgage Licensing Law  
 From Residential Mortgage Licensing Fund. . . . . \$150,000E

**SECTION 7.110.** — To the Department of Economic Development

For the Division of Motor Carrier and Railroad Safety  
 Personal Service. . . . . \$198,099  
 Expense and Equipment. . . . . 679,368  
 From Federal Funds . . . . . 877,467

Personal Service. . . . . 2,062,195  
 Expense and Equipment. . . . . 724,315  
 From State Highways and Transportation Department Fund . . . . . 2,786,510

Personal Service. . . . . 392,571  
 Expense and Equipment. . . . . 149,159

From Railroad Expense Fund . . . . . 541,730

From Light Rail Safety Fund. . . . . 15,000E

Total (Not to exceed 68.00 F.T.E.). . . . . \$4,220,707

**SECTION 7.115.** — There is transferred out of the Railroad Expense Fund,  
One Hundred Eighty Thousand Dollars (\$180,000) to the  
State Highways and Transportation Department Fund

From Railroad Expense Fund.. . . . \$180,000E

**SECTION 7.120.** There is transferred out of the Light Rail Safety Fund,  
Three Thousand Five Hundred Dollars (\$3,500) to the  
Railroad Expense Fund

From Light Rail Safety Fund. . . . . \$3,500E

**SECTION 7.125.** — There is transferred out of the Light Rail Safety Fund,  
Three Thousand Five Hundred Dollars (\$3,500) to the State  
Highways and Transportation Department Fund

From Light Rail Safety Fund. . . . . \$3,500E

**SECTION 7.127.** — There is transferred out of the Grade Crossing Safety  
Account, One Hundred Thousand Dollars (\$100,000) to the  
Railroad Expense Fund.

From Grade Crossing Safety Account. . . . . \$100,000

**SECTION 7.130.** — To the Department of Economic Development  
For general administration of Utility Regulation activities  
For Public Service Commission

Personal Service. . . . . \$9,361,255

Annual salary adjustment in accordance with Section 105.005, RSMo .. 13,170

Expense and Equipment . . . . . 4,485,011

For Refunds. . . . . 10,000E

From Public Service Commission Fund.. . . . 13,869,436

For Deaf Relay Service and Equipment Distribution Program

From Deaf Relay Service and Equipment Distribution Program Fund . . . 5,000,000

Expense and Equipment

From Manufactured Housing Fund . . . . . 2,235

For the Office of Public Counsel

Personal Service. . . . . 715,038

Expense and Equipment. . . . . 212,637

From General Revenue Fund. . . . . 927,675

Total (Not to exceed 223.00 F.T.E.). . . . . \$19,799,346

**SECTION 7.135.** — To the Department of Economic Development

## For general administration of the Division of Professional Registration

|  |                |
|--|----------------|
| Personal Service. . . . .                          | \$2,819,342    |
| Expense and Equipment . . . . .                    | 1,814,104      |
| For examination fees . . . . .                     | 88,000E        |
| For refunds. . . . .                               | <u>35,000E</u> |
| From Professional Registration Fees Fund . . . . . | 4,756,446      |

## For the State Board of Accountancy

|  |                |
|--|----------------|
| Personal Service. . . . .                | 229,496        |
| Expense and Equipment. . . . .           | <u>195,718</u> |
| From Board of Accountancy Fund . . . . . | 425,214        |

For the State Board of Architects, Professional Engineers, and  
Land Surveyors

|   |                |
|---|----------------|
| Personal Service. . . . .   | 288,748        |
| Expense and Equipment . . . . .   | 399,354        |
| For examination fees. . . . .   | <u>93,985E</u> |
| From State Board of Architects, Professional Engineers, and Land<br>Surveyors Fund. . . . . | 782,087        |

## For the State Board of Barber Examiners

|                                      |        |
|--------------------------------------|--------|
| Expense and Equipment                |        |
| From Board of Barbers Fund . . . . . | 38,271 |

## For the State Board of Chiropractic Examiners

|  |         |
|--|---------|
| Expense and Equipment                                    |         |
| From State Board of Chiropractic Examiners Fund. . . . . | 151,052 |

## For the State Board of Cosmetology

|   |                |
|---|----------------|
| Expense and Equipment . . . . .                   | 259,418        |
| For payment of fees for testing services. . . . . | <u>48,475E</u> |
| From Board of Cosmetology Fund . . . . .          | 307,893        |

## For the Missouri Dental Board

|                                  |                |
|----------------------------------|----------------|
| Personal Service. . . . .        | 306,877        |
| Expense and Equipment. . . . .   | <u>271,588</u> |
| From Dental Board Fund . . . . . | 578,465        |

## For the State Board of Embalmers and Funeral Directors

|  |         |
|--|---------|
| Expense and Equipment  |         |
| From Board of Embalmers and Funeral Directors Fund . . . . . | 149,634 |

## For the State Board of Registration for the Healing Arts

|                                 |           |
|---------------------------------|-----------|
| Personal Service. . . . .       | 1,600,276 |
| Expense and Equipment . . . . . | 599,263   |

For payment of fees for testing services..... 252,510E  
 From Board of Registration for Healing Arts Fund . . . . . 2,452,049

For the State Board of Nursing  
     Personal Service. . . . . 790,714  
     Expense and Equipment. . . . . 1,043,279  
 From Board of Nursing Fund . . . . . 1,833,993

For the State Board of Optometry  
     Expense and Equipment  
 From Board of Optometry Fund . . . . . 42,604

For the State Board of Pharmacy  
     Personal Service. . . . . 517,305  
     Expense and Equipment . . . . . 191,679  
 For criminal history check of prospective licenses. . . . . 41,140E  
 From Board of Pharmacy Fund. . . . . 750,124

For the State Board of Podiatric Medicine  
     Expense and Equipment  
 From Board of Podiatric Medicine Fund. . . . . 21,681

For the Missouri Real Estate Commission  
     Personal Service. . . . . 811,224  
     Expense and Equipment. . . . . 294,734  
 From Real Estate Commission Fund . . . . . 1,105,958

For the Missouri Veterinary Medical Board  
     Expense and Equipment . . . . . 71,096  
 For payment of fees for testing services..... 40,000E  
 From Veterinary Medical Board Fund..... 111,096  
 Total (Not to exceed 222.60 F.T.E.). . . . . \$13,506,567

**SECTION 7.140.** — There is transferred out of the Escrow Agent Administration  
     Fund to the Missouri Real Estate Commission Fund for the  
     purpose of administering the Escrow Agent Law  
 From Escrow Agent Administration Fund..... \$15,000E

**SECTION 7.145.** — To the Department of Economic Development  
 For funding transfer of funds to the General Revenue Fund  
 From Professional Registration Fees Fund. . . . . \$1,512,580E

**SECTION 7.150.** — To the Department of Economic Development  
 There is transferred, for payment of operating expenses, the following  
     amounts to the Professional Registration Fees Fund  
 From Board of Accountancy Fund..... \$112,999E

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|  |          |
|--|----------|
| From State Board of Architects, Engineers, and Land Surveyors Fund . . . | 208,438E |
| From Athletic Fund . . . . .   | 460,104E |
| From Board of Barbers Fund . . . . .                                     | 146,437E |
| From State Board of Chiropractic Examiners Fund. . . . .                 | 160,287E |
| From Clinical Social Workers Fund. . . . .                               | 231,042E |
| From Board of Cosmetology Fund . . . . .                                 | 867,011E |
| From Committee of Professional Counselors Fund . . . . .                 | 198,717E |
| From Dental Board Fund . . . . .   | 109,339E |
| From State Committee of Dietitians Fund. . . . .                         | 1E       |
| From Board of Embalmers and Funeral Directors Fund . . . . .             | 280,513E |
| From Endowed Care Cemetery Audit Fund. . . . .                           | 120,296E |
| From Board of Geologist Registration Fund. . . . .                       | 82,544E  |
| From Board of Registration for Healing Arts Fund . . . . .               | 450,178E |
| From Hearing Instrument Specialist Fund. . . . .                         | 52,223E  |
| From Interior Designer Council Fund. . . . .                             | 1E       |
| From Landscape Architectural Council Fund. . . . .                       | 31,456E  |
| From Marital and Family Therapists Fund. . . . .                         | 21,884E  |
| From Board of Nursing Fund . . . . .                                     | 631,637E |
| From Missouri Board of Occupational Therapy Fund . . . . .               | 78,696E  |
| From Board of Optometry Fund . . . . .                                   | 76,640E  |
| From Board of Pharmacy Fund. . . . .                                     | 162,612E |
| From Board of Podiatric Medicine Fund. . . . .                           | 26,905E  |
| From State Committee of Psychologists Fund . . . . .                     | 233,976E |
| From Real Estate Appraisers Fund . . . . .                               | 362,567E |
| From Respiratory Care Practitioners Fund . . . . .                       | 95,938E  |
| From State Committee of Interpreters Fund. . . . .                       | 38,060E  |
| From Real Estate Commission Fund . . . . .                               | 400,646E |
| From Veterinary Medical Board Fund . . . . .                             | 153,671E |
| From Tattoo Artist Fund . . . . .  | 1E       |

There is transferred out of the Athletic Fund to the Endowed Care  
Cemetery Audit Fund

|                             |                |
|-----------------------------|----------------|
| From Athletic Fund. . . . . | <u>70,000E</u> |
| Total. . . . .              | \$5,864,819E   |

**SECTION 7.700.** — To the Department of Insurance

|   |                  |
|---|------------------|
| Personal Service. . . . .   | \$4,878,435      |
| Annual salary adjustment in accordance with Section 105.005,<br>RSMo. . . . .         | 2,670            |
| Expense and Equipment. . . . .  | <u>1,817,859</u> |
| From Department of Insurance Dedicated Fund (Not to<br>exceed 143.50 F.T.E.). . . . . | \$6,698,964      |

**SECTION 7.705.** — To the Department of Insurance

For market conduct and financial examinations of insurance companies

|                           |              |
|---------------------------|--------------|
| Personal Service. . . . . | \$4,907,327E |
|---------------------------|--------------|

---

|  |                   |
|--|-------------------|
| Expense and Equipment. . . . .                                     | <u>1,704,104E</u> |
| From Insurance Examiners Fund (Not to exceed 82.00 F.T.E.).. . . . | \$6,611,431       |

**SECTION 7.710. — To the Department of Insurance**

For refunds

|  |           |
|--|-----------|
| From Department of Insurance Dedicated Fund. . . . . | \$25,000E |
| From Insurance Examiners Fund. . . . .               | <u>1E</u> |
| Total (0 F.T.E.). . . . .                            | \$25,001E |

**SECTION 7.715. — To the Department of Insurance**

For the purpose of funding programs providing counseling on health  
insurance coverage and benefits to Medicare beneficiaries

|                                       |           |
|---------------------------------------|-----------|
| From Federal Funds (0 F.T.E.).. . . . | \$400,000 |
|---------------------------------------|-----------|

**SECTION 7.800. — To the Department of Labor and Industrial Relations**

For the Director and Staff

|                                    |            |
|------------------------------------|------------|
| Personal Service . . . . .         | \$107,671  |
| Expense and Equipment . . . . .    | 11,109     |
| For life insurance costs.. . . .   | <u>375</u> |
| From General Revenue Fund. . . . . | 119,155    |

|  |               |
|--|---------------|
| Personal Service. . . . .                                    | 3,284,198     |
| Expense and Equipment . . . . .                              | 7,072,029     |
| For life insurance costs.. . . .                             | <u>87,602</u> |
| From Unemployment Compensation Administration Fund . . . . . | 10,443,829    |

|  |                  |
|--|------------------|
| Personal Service. . . . .  | 3,825,389        |
| Annual salary adjustment in accordance with Section 105.005, RSMo ...  | 2,670            |
| Expense and Equipment. . . . .   | <u>3,623,430</u> |
| From Department of Labor and Industrial Relations Administrative Fund. | 7,451,489        |

|   |            |
|---|------------|
| Personal Service. . . . .               | 1,150,403  |
| Expense and Equipment . . . . .         | 1,170,647  |
| For life insurance costs.. . . .        | <u>795</u> |
| From Workers' Compensation Fund.. . . . | 2,321,845  |

|   |               |
|---|---------------|
| Personal Service. . . . .                     | 7,487         |
| Expense and Equipment . . . . .               | 25,164        |
| For life insurance costs.. . . .              | <u>75</u>     |
| From Crime Victims' Compensation Fund.. . . . | <u>32,726</u> |
| Total (Not to exceed 206.39 F.T.E.). . . . .  | \$20,369,044  |

**SECTION 7.802. — There is transferred, for payment of administrative costs,  
the following amounts to the Department of Labor and Industrial  
Relations Administrative Fund**

|                                    |           |
|------------------------------------|-----------|
| From General Revenue Fund. . . . . | \$615,980 |
|------------------------------------|-----------|



---

|  |               |
|--|---------------|
| From Federal Funds . . . . .   | 4,907,191     |
| From Deaf Relay Service and Equipment Distribution Program Fund. . . . . | 1,692,447     |
| From Workers' Compensation Fund. . . . .                                 | 1,142,907     |
| From Crime Victims' Compensation Fund. . . . .                           | <u>58,251</u> |
| Total. . . . .   | \$8,416,776   |

**SECTION 7.810. — To the Department of Labor and Industrial Relations**

## For the Labor and Industrial Relations Commission

|                                    |              |
|------------------------------------|--------------|
| Personal Service. . . . .          | \$41,047     |
| Expense and Equipment. . . . .     | <u>7,568</u> |
| From General Revenue Fund. . . . . | 48,615       |

|   |               |
|---|---------------|
| Personal Service. . . . .   | 249,162       |
| Annual salary adjustment in accordance with Section 105.005, RSMo . . . . . | 1,062         |
| Expense and Equipment. . . . .  | <u>46,525</u> |
| From Unemployment Compensation Administration Fund . . . . .                | 296,749       |

|   |               |
|---|---------------|
| Personal Service. . . . .   | 453,867       |
| Annual salary adjustment in accordance with Section 105.005, RSMo . . . . . | 5,310         |
| Expense and Equipment. . . . .  | <u>85,596</u> |
| From Workers' Compensation Fund. . . . .                                    | 544,773       |

|  |              |
|--|--------------|
| Personal Service. . . . .                      | 1,360        |
| Expense and Equipment. . . . .                 | <u>196</u>   |
| From Crime Victims' Compensation Fund. . . . . | <u>1,556</u> |
| Total (Not to exceed 15.00 F.T.E.). . . . .    | \$891,693    |

**SECTION 7.815. — To the Department of Labor and Industrial Relations**

## For the Division of Labor Standards

## For Administration

|                                    |                |
|------------------------------------|----------------|
| Personal Service. . . . .          | \$1,188,232    |
| Expense and Equipment. . . . .     | <u>287,570</u> |
| From General Revenue Fund. . . . . | 1,475,802      |

|                                 |                |
|---------------------------------|----------------|
| Personal Service. . . . .       | 100,000        |
| Expense and Equipment . . . . . | <u>200,000</u> |
| From Federal Funds . . . . .    | 300,000        |

|   |                |
|---|----------------|
| Expense and Equipment                       |                |
| From Child Labor Enforcement Fund. . . . .  | <u>200,000</u> |
| Total (Not to exceed 35.70 F.T.E.). . . . . | \$1,975,802    |

**SECTION 7.820. — To the Department of Labor and Industrial Relations**

## For the Division of Labor Standards

## For safety and health programs

## Personal Service and/or Expense and Equipment

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|   |                |
|---|----------------|
| From General Revenue Fund. . . . .          | \$100,000      |
| Personal Service. . . . .                   | 484,402        |
| Expense and Equipment. . . . .              | <u>218,078</u> |
| From Federal Funds. . . . .                 | <u>702,480</u> |
| Total (Not to exceed 13.00 F.T.E.). . . . . | \$802,480      |

**SECTION 7.825.** — To the Department of Labor and Industrial Relations

For the Division of Labor Standards

For mine safety and health training programs

Personal Service and/or Expense and Equipment

|                                    |          |
|------------------------------------|----------|
| From General Revenue Fund. . . . . | \$82,898 |
|------------------------------------|----------|

|  |                |
|--|----------------|
| Personal Service. . . . .                  | 224,691        |
| Expense and Equipment. . . . .             | <u>113,411</u> |
| From Federal Funds. . . . .                | <u>338,102</u> |
| Total (Not to exceed 6.00 F.T.E.). . . . . | \$421,000      |

**SECTION 7.830.** — To the Department of Labor and Industrial Relations

For the State Board of Mediation

|                           |           |
|---------------------------|-----------|
| Personal Service. . . . . | \$141,906 |
|---------------------------|-----------|

|                                |               |
|--------------------------------|---------------|
| Expense and Equipment. . . . . | <u>36,307</u> |
|--------------------------------|---------------|

|  |           |
|--|-----------|
| From General Revenue Fund (Not to exceed 3.00 F.T.E.). . . . . | \$178,213 |
|--|-----------|

**SECTION 7.835.** To the Department of Labor and Industrial Relations

For the Division of Workers' Compensation

For the purpose of funding Administration

|                           |             |
|---------------------------|-------------|
| Personal Service. . . . . | \$7,429,351 |
|---------------------------|-------------|

|   |         |
|---|---------|
| Annual salary adjustment in accordance with Section 105.005, RSMo . . . . . | 235,104 |
|---|---------|

|                                 |           |
|---------------------------------|-----------|
| Expense and Equipment . . . . . | 1,054,164 |
|---------------------------------|-----------|

There is transferred from the Workers' Compensation Fund

|   |               |
|---|---------------|
| to the Kids' Chance Scholarship Fund. . . . . | <u>50,000</u> |
|---|---------------|

|  |           |
|--|-----------|
| From Workers' Compensation Fund. . . . . | 8,768,619 |
|--|-----------|

|                           |        |
|---------------------------|--------|
| Personal Service. . . . . | 21,829 |
|---------------------------|--------|

Annual salary adjustment in accordance with Section 105.005,

|               |              |
|---------------|--------------|
| RSMo. . . . . | <u>1,296</u> |
|---------------|--------------|

|  |               |
|--|---------------|
| From Crime Victims' Compensation Fund. . . . . | <u>23,125</u> |
|--|---------------|

|  |             |
|--|-------------|
| Total (Not to exceed 159.75 F.T.E.). . . . . | \$8,791,744 |
|--|-------------|

**SECTION 7.840.** — To the Department of Labor and Industrial Relations

For the Division of Workers' Compensation

For payment of special claims

|   |               |
|---|---------------|
| From Second Injury Fund (0 F.T.E.). . . . . | \$25,000,000E |
|---|---------------|

**SECTION 7.845.** — To the Department of Labor and Industrial Relations

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For the Division of Workers' Compensation  
 For Crime Victims' Administration  
     Expense and Equipment  
 From Federal Funds.. . . . \$50,000

    Personal Service.. . . . 261,019  
     Expense and Equipment.. . . . 101,558  
 From Crime Victims' Compensation Fund. . . . . 362,577  
 Total (Not to exceed 9.00 F.T.E.). . . . . \$412,577

**SECTION 7.850.** — To the Department of Labor and Industrial Relations

For the Division of Workers' Compensation  
 For payment of claims to victims of crime  
 From Federal Funds.. . . . \$2,200,000E  
 From Crime Victims' Compensation Fund. . . . . 4,600,000E  
 Total (0 F.T.E.). . . . . \$6,800,000

**SECTION 7.855.** — There is transferred, for payment of office space costs, the following amounts to the Workers' Compensation Fund

From General Revenue Fund. . . . . \$115,747  
 From Federal Funds . . . . . 30,548  
 From Crime Victims' Compensation Fund. . . . . 190  
 Total. . . . . \$146,485

**SECTION 7.860.** — To the Department of Labor and Industrial Relations

For the Division of Employment Security  
     Personal Service.. . . . \$25,206,293E  
     Expense and Equipment . . . . . 9,664,950E  
 For seasonal flexibility in unemployment and employment services  
     Personal Service.. . . . 900,000E  
     Expense and Equipment . . . . . 483,301E  
 From Unemployment Compensation Administration Fund  
     (Not to exceed 792.57 F.T.E.). . . . . \$36,254,544

**SECTION 7.865.** — To the Department of Labor and Industrial Relations

For the Division of Employment Security  
 For administration of programs authorized and funded by the  
     United States Department of Labor, such as Disaster  
     Unemployment Assistance (DUA), and provided that all funds  
     shall be expended from discrete accounts and that no monies  
     shall be expended for funding administration of these programs  
     by the Division of Employment Security  
 From Unemployment Compensation Administration Fund (0 F.T.E.). \$4,000,000E

**SECTION 7.870.** — To the Department of Labor and Industrial Relations

For the Division of Employment Security

---

For the administration of the Missouri Employment Security Law,  
including all expenditures, and for the refund of interest collected  
on contributions found to be erroneously collected and paid into  
the Special Employment Security Fund, for the payment of  
interest due on federal advancements to the Missouri Unemployment  
Trust Fund, and for the purchase and renovation of buildings, land,  
and the erection of buildings  
Personal Service. . . . . \$100,000  
Expense and Equipment . . . . . 3,574,640  
From Special Employment Security Fund (Not to exceed 2.71 F.T.E.).. \$3,674,640

**SECTION 7.875.** — To the Department of Labor and Industrial Relations  
For the Division of Employment Security  
For the payment of refunds set-off against debts as required by  
Section 143.786, RSMo  
From Debt Offset Escrow Fund (0 F.T.E.).. \$1,200,000E

**SECTION 7.880.** — To the Department of Labor and Industrial Relations  
For the Governor's Council on Disability  
Personal Service. . . . . \$268,972  
Expense and Equipment. . . . . 401,108  
From General Revenue Fund. . . . . 670,080

For the Assistive Technology Loan Program  
From Federal and Other Funds . . . . . 1,000,000

Personal Service. . . . . 383,140  
Expense and Equipment. . . . . 450,000  
From Federal Funds. . . . . 833,140  
Total (Not to exceed 18.70 F.T.E.). . . . . \$2,503,220

**SECTION 7.882.** — There is transferred out of the State Treasury,  
chargeable to the General Revenue Fund, Five Hundred Thousand  
Dollars (\$500,000) to the Assistive Technology Loan Revolving Fund  
From General Revenue Fund. . . . . \$500,000

**SECTION 7.885.** — To the Department of Labor and Industrial Relations  
For the Missouri Commission on Human Rights  
Personal Service. . . . . \$1,341,366  
Expense and Equipment. . . . . 192,429  
From General Revenue Fund. . . . . 1,533,795

Personal Service. . . . . 582,533  
Expense and Equipment. . . . . 187,000  
From Federal Funds. . . . . 769,533  
Total (Not to exceed 52.45 F.T.E.). . . . . \$2,303,328

**Bill Totals**

|                            |                      |
|----------------------------|----------------------|
| General Revenue Fund. .... | \$77,354,157         |
| Federal Funds. ....        | \$200,306,441        |
| Other Funds. ....          | <u>\$129,036,079</u> |
| Total. ....                | \$406,696,677        |

Approved June 28, 2000

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**HB 1108 [CCS SCS HCS HB 1108]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: DEPARTMENT OF PUBLIC SAFETY.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each Department, Division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2000 and ending June 30, 2001, as follows:

**SECTION 8.005.** — To the Department of Public Safety

For the Office of the Director

|  |             |
|--|-------------|
| Personal Service. ....                                       | \$1,196,464 |
| Annual salary adjustment in accordance with Section 105.005, |             |
| RSMo. ....   | 2,322       |
| Expense and Equipment . ....                                 | 722,507     |

|   |                |
|---|----------------|
| For the Operation Payback Program. .... | <u>100,000</u> |
| From General Revenue Fund. ....         | 2,021,293      |

|  |                |
|--|----------------|
| Personal Service. ....                                       | 369,757        |
| Annual salary adjustment in accordance with Section 105.005, |                |
| RSMo. ....   | 347            |
| Expense and Equipment . ....                                 | 238,829        |
| Program Specific Distribution.. ....                         | <u>200,000</u> |

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From Federal Funds . . . . . 808,933

Personal Service

From Crime Victims' Compensation Fund . . . . . 18,891

Expense and Equipment

From Firing Range Fee Fund . . . . . 1,500

From Missouri Crime Prevention Information and Programming Fund. 50,000

Total (Not to exceed 43.00 F.T.E.). . . . . \$2,900,617

**SECTION 8.010.** — To the Department of Public Safety

For the Office of the Director

For operational maintenance and repairs for state-owned facilities

From General Revenue Fund (0 F.T.E.). . . . . \$185,889

**SECTION 8.015.** — To the Department of Public Safety

For the Office of the Director

For the Juvenile Justice Challenge Grant Program

From Federal Funds (0 F.T.E.). . . . . \$350,000

**SECTION 8.020.** — To the Department of Public Safety

For the Office of the Director

For the Juvenile Justice Delinquency Prevention Program

From Federal Funds (0 F.T.E.). . . . . \$2,200,000

**SECTION 8.025.** — To the Department of Public Safety

For the Office of the Director

For the Juvenile Justice Accountability Incentive Block Grant Program

From Federal Funds (0 F.T.E.). . . . . \$5,419,607

**SECTION 8.030.** — To the Department of Public Safety

For the Office of the Director

For the purpose of funding local government/school district partnership  
programs pursuant to Sections 589.300 through 589.310, RSMo

From General Revenue Fund (0 F.T.E.). . . . . \$800,000

**SECTION 8.033.** — To the Department of Public Safety

For the Office of the Director

For the Local Law Enforcement Block Grant Program

From Federal Funds (0 F.T.E.). . . . . \$720,000

**SECTION 8.034.** — To the Department of Public Safety

For the Office of the Director

For the purpose of funding the State and Local Training and Education  
Assistance Program

From Federal Funds (0 F.T.E.). . . . . \$66,127

**SECTION 8.035.** — To the Department of Public Safety  
For the Office of the Director  
For the Narcotics Control Assistance Program  
From Federal Funds (0 F.T.E.). . . . . \$11,000,000

**SECTION 8.040.** — To the Department of Public Safety  
For the Office of the Director  
For the Community-Oriented Policing Program  
From General Revenue Fund (0 F.T.E.). . . . . \$180,000

**SECTION 8.045.** — To the Department of Public Safety  
For the Office of the Director  
For the purpose of funding programs to provide protective services  
for witnesses of crime  
From General Revenue Fund (0 F.T.E.). . . . . \$10,000

**SECTION 8.050.** — To the Department of Public Safety  
For the Office of the Director  
For the Services to Victims Program  
From Services to Victims Fund. . . . . \$3,400,000

For counseling and other support services for crime victims  
From Crime Victims' Compensation Fund. . . . . 50,000  
Total (0 F.T.E.). . . . . \$3,450,000

**SECTION 8.055.** — To the Department of Public Safety  
For the Office of the Director  
For the Victims of Crime Program  
From Federal Funds (0 F.T.E.). . . . . \$9,000,000

**SECTION 8.060.** — To the Department of Public Safety  
For the Office of the Director  
For the Violence Against Women Program  
From Federal Funds (0 F.T.E.). . . . . \$3,200,000

**SECTION 8.065.** — To the Department of Public Safety  
For the purpose of funding regional crime labs on a matching  
reimbursement basis of one dollar of state funding for each  
dollar of regional funding provided through fees or  
contributions that may be collected from local law enforcement  
agencies in Missouri up to the limit of this appropriation.  
Support of any non-law enforcement agency, any agency  
or institution of state government, any agency funded  
principally through federal entitlement or grant, or any law  
enforcement agency in a metropolitan area having a population  
exceeding one hundred thousand shall not be included in

determining the regional funding used to calculate the amount  
of matching state funds  
From General Revenue Fund (0 F.T.E.)..... \$400,000

**SECTION 8.066.** — To the Department of Public Safety  
For the Office of the Director  
For local matching grants for multi-jurisdictional task forces in  
second-, third- and fourth-class counties  
From General Revenue Fund (0 F.T.E.)..... \$143,290

**SECTION 8.070.** — To the Department of Public Safety  
For the State Forensic Laboratory Program  
From State Forensic Laboratory Fund (0 F.T.E.)..... \$266,000

**SECTION 8.073.** — To the Department of Public Safety  
For the Office of the Director  
For the Residential Substance Abuse Treatment Program  
From Federal Funds (0 F.T.E.)..... \$1,227,000

**SECTION 8.074.** — To the Department of Public Safety  
For the Office of the Director  
For the Motorcycle Safety Program at the Missouri Safety Center at  
Central Missouri State University  
From General Revenue Fund (0 F.T.E.)..... \$225,000

**SECTION 8.075.** — To the Department of Public Safety  
For the Office of the Director  
For peace officer training in accordance with the provisions of  
Section 590.178, RSMo  
From Peace Officer Standards and Training Commission Fund (0 F.T.E.)\$1,500,000

**SECTION 8.076.** — To the Department of Public Safety  
For the Office of the Director  
For the Rural Domestic Violence and Child Victimization Program  
From Federal Funds (0 F.T.E.)..... \$300,000

**SECTION 8.080.** — To the Department of Public Safety  
For the Capitol Police  
Personal Service. .... \$1,362,509  
Expense and Equipment. .... 154,060  
From General Revenue Fund..... 1,516,569

Personal Service. .... 16,085  
Expense and Equipment. .... 3,625  
From Federal Funds. .... 19,710  
Total (Not to exceed 45.00 F.T.E.). .... \$1,536,279

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**SECTION 8.085.** — To the Department of Public Safety

For the State Highway Patrol

For Administration and General Support

Expense and Equipment

From General Revenue Fund. . . . . \$7,784

For the High-Intensity Drug Trafficking Area Program

From Federal Funds . . . . . 2,200,000

Personal Service. . . . . 3,547,316

Expense and Equipment. . . . . 316,607

From State Highways and Transportation Department Fund . . . . . 3,863,923

Expense and Equipment

From Gaming Commission Fund. . . . . 4,865Total (Not to exceed 92.00 F.T.E.). . . . . \$6,076,572**SECTION 8.090.** — To the Department of Public Safety

For the State Highway Patrol

For fringe benefits, including retirement contributions for

members of the Highways and Transportation Employees'

and Highway Patrol Retirement System, and insurance premiums

Personal Service Benefits. . . . . \$1,976,952E

Expense and Equipment. . . . . 574,338E

From General Revenue Fund. . . . . 2,551,290

Personal Service Benefits . . . . . 424,882E

Expense and Equipment. . . . . 142,303E

From Federal Funds . . . . . 567,185

Personal Service Benefits . . . . . 8,916E

Expense and Equipment. . . . . 422E

From Gaming Commission Fund. . . . . 9,338

Personal Service Benefits . . . . . 18,732,238E

Expense and Equipment. . . . . 5,615,622E

From State Highways and Transportation Department Fund . . . . . 24,347,860

Personal Service Benefits . . . . . 139,104E

Expense and Equipment. . . . . 87,328E

From Criminal Record System Fund . . . . . 226,432

Personal Service Benefits . . . . . 6,444E

Expense and Equipment. . . . . 2,934EFrom Criminal Justice Network and Technology Revolving Fund.. . . . 9,378Total (0 F.T.E.). . . . . \$27,711,483

**SECTION 8.094.** — There is transferred out of the State Treasury, chargeable to the Federal Drug Seizure Fund, Three Million, Six Hundred Seventy Thousand, Nine Hundred Two Dollars (\$3,670,902) to the General Revenue Fund

From Federal Drug Seizure Fund. . . . . \$3,670,902

**SECTION 8.095.** — To the Department of Public Safety

For the State Highway Patrol

For the purpose of funding the salary grid formulated on April 15, 2000 by the Office of Administration for uniformed members of the Highway Patrol

Personal Service

From General Revenue Fund. . . . . \$125,594

Personal Service

From Federal Funds . . . . . 16,263

Personal Service

From State Highways and Transportation Department Fund . . . . . 1,075,785

For the State Highway Patrol

All expenditures must be in compliance with the United States Department of Justice equitable sharing program guidelines

Expense and Equipment

From General Revenue Fund. . . . . 2,972,041

For the Enforcement Program

Personal Service. . . . . 5,525,879

Expense and Equipment. . . . . 1,428,428

From General Revenue Fund. . . . . 6,954,307

Personal Service. . . . . 1,075,709

Expense and Equipment. . . . . 8,558,737

From Federal Funds . . . . . 9,634,446

Personal Service. . . . . 47,311,146

Expense and Equipment. . . . . 4,576,086

From State Highways and Transportation Department Fund . . . . . 51,887,232

Personal Service. . . . . 492,878

Expense and Equipment. . . . . 1,496,767

From Criminal Record System Fund . . . . . 1,989,645

Personal Service. . . . . 21,265

Expense and Equipment. . . . . 84,908

From Gaming Commission Fund. . . . . 106,173

Expense and Equipment  
 From Highway Patrol's Motor Vehicle and Aircraft Revolving Fund.. . . . 50,000  
 Total (Not to exceed 1,387.00 F.T.E.). . . . . \$74,811,486

**SECTION 8.100.** — To the Department of Public Safety

For the State Highway Patrol

For gasoline expenses for State Highway Patrol vehicles, including  
 aircraft, and Gaming Commission vehicles

Expense and Equipment  
 From General Revenue Fund. . . . . \$142,072  
 From Gaming Commission Fund. . . . . 154,920  
 From State Highways and Transportation Department Fund. . . . . 1,440,653  
 Total (0 F.T.E.). . . . . \$1,737,645

**SECTION 8.105.** — To the Department of Public Safety

For the State Highway Patrol

For purchase of vehicles for the State Highway Patrol and the  
 Gaming Commission

Expense and Equipment  
 From General Revenue Fund. . . . . \$370,629  
 From State Highways and Transportation Department Fund . . . . . 3,823,946  
 From Highway Patrol's Motor Vehicle and Aircraft Revolving Fund.. . . . 6,233,722  
 From Gaming Commission Fund. . . . . 504,259  
 Total (0 F.T.E.). . . . . \$10,932,556

**SECTION 8.110.** — To the Department of Public Safety

For the State Highway Patrol

For the State Highway Patrol Crime Labs

Personal Service. . . . . \$1,211,840  
 Expense and Equipment. . . . . 337,281  
 From General Revenue Fund. . . . . 1,549,121

For the State Highway Patrol

All expenditures must be in compliance with the United  
 States Department of Justice equitable sharing program  
 guidelines

Expense and Equipment  
 From General Revenue Fund (0 F.T.E.). . . . . \$203,050

Personal Service. . . . . 298,885  
 Expense and Equipment . . . . . 427,366  
 For grants to St. Louis City and St. Louis County Forensic DNA Labs. . . . . 377,698  
 From Federal Funds . . . . . 1,103,949

Personal Service. . . . . 460,340  
 Expense and Equipment. . . . . 89,989

|  |               |
|--|---------------|
| From State Highways and Transportation Department Fund . . . . . | 550,329       |
| Personal Service. . . . .  | 60,956        |
| Expense and Equipment. . . . .                                   | <u>3,600</u>  |
| From Criminal Record System Fund . . . . .                       | 64,556        |
| Expense and Equipment  |               |
| From State Forensic Laboratory Fund. . . . .                     | <u>60,000</u> |
| Total (Not to exceed 58.25 F.T.E.). . . . .                      | \$3,531,005   |

**SECTION 8.115.** To the Department of Public Safety

For the State Highway Patrol

For the Law Enforcement Academy

|                                    |                |
|------------------------------------|----------------|
| Personal Service. . . . .          | \$490,631      |
| Expense and Equipment. . . . .     | <u>620,375</u> |
| From General Revenue Fund. . . . . | 1,111,006      |
| Personal Service. . . . .          | 82,709         |
| Expense and Equipment. . . . .     | <u>87,859</u>  |
| From Federal Funds . . . . .       | 170,568        |

For the DARE Regional Training Center

|                                |                |
|--------------------------------|----------------|
| Personal Service. . . . .      | 88,584         |
| Expense and Equipment. . . . . | <u>164,256</u> |
| From Federal Funds . . . . .   | 252,840        |

|  |                |
|--|----------------|
| Personal Service. . . . .  | 824,561        |
| Expense and Equipment. . . . .                                   | <u>144,139</u> |
| From State Highways and Transportation Department Fund . . . . . | 968,700        |

|   |                |
|---|----------------|
| Expense and Equipment                       |                |
| From Highway Patrol Academy Fund. . . . .   | <u>600,000</u> |
| Total (Not to exceed 42.00 F.T.E.). . . . . | \$3,103,114    |

**SECTION 8.120.** — To the Department of Public Safety

For the State Highway Patrol

For Vehicle and Driver Safety

All expenditures must be in compliance with the United States Department  
of Justice equitable sharing program guidelines

|  |        |
|--|--------|
| Expense and Equipment                          |        |
| From General Revenue Fund (0 F.T.E.) . . . . . | 27,300 |

|                             |          |
|-----------------------------|----------|
| Expense and Equipment       |          |
| From Federal Funds. . . . . | \$82,550 |

|                           |           |
|---------------------------|-----------|
| Personal Service. . . . . | 8,797,546 |
|---------------------------|-----------|

|  |                |
|--|----------------|
| Expense and Equipment.....                                   | <u>827,137</u> |
| From State Highways and Transportation Department Fund ..... | 9,624,683      |

|  |         |
|--|---------|
| Expense and Equipment                          |         |
| From Missouri Air Pollution Control Fund ..... | 137,347 |

|  |               |
|--|---------------|
| Expense and Equipment                    |               |
| From Highway Patrol Inspection Fund..... | <u>37,725</u> |
| Total (Not to exceed 285.00 F.T.E.)..... | \$9,909,605   |

**SECTION 8.125. — To the Department of Public Safety**

For the State Highway Patrol

For the purpose of refunding unused motor vehicle inspection stickers

|  |                |
|--|----------------|
| From Missouri Air Pollution Control Fund.....                | \$10,000E      |
| From State Highways and Transportation Department Fund. .... | <u>40,000E</u> |
| Total (0 F.T.E.).....  | \$50,000       |

**SECTION 8.130. — To the Department of Public Safety**

For the State Highway Patrol

For Technical Services

|                                 |                |
|---------------------------------|----------------|
| Personal Service.....           | \$386,221      |
| Expense and Equipment.....      | <u>352,753</u> |
| From General Revenue Fund. .... | 738,974        |

For the State Highway Patrol

All expenditures must be in compliance with the United States

Department of Justice equitable sharing guidelines

Expense and Equipment

|   |           |
|---|-----------|
| From General Revenue Fund (0 F.T.E.)..... | \$468,511 |
|---|-----------|

|                       |         |
|-----------------------|---------|
| Personal Service..... | 274,147 |
|-----------------------|---------|

|                            |                |
|----------------------------|----------------|
| Expense and Equipment..... | <u>439,282</u> |
|----------------------------|----------------|

|                          |         |
|--------------------------|---------|
| From Federal Funds ..... | 713,429 |
|--------------------------|---------|

|                       |           |
|-----------------------|-----------|
| Personal Service..... | 9,067,239 |
|-----------------------|-----------|

|                            |                  |
|----------------------------|------------------|
| Expense and Equipment..... | <u>5,131,647</u> |
|----------------------------|------------------|

|  |            |
|--|------------|
| From State Highways and Transportation Department Fund ..... | 14,198,886 |
|--|------------|

|                       |        |
|-----------------------|--------|
| Personal Service..... | 38,810 |
|-----------------------|--------|

|                            |               |
|----------------------------|---------------|
| Expense and Equipment..... | <u>80,040</u> |
|----------------------------|---------------|

|  |         |
|--|---------|
| From Criminal Record System Fund ..... | 118,850 |
|--|---------|

Personal Service

|                                   |        |
|-----------------------------------|--------|
| From Gaming Commission Fund. .... | 18,582 |
|-----------------------------------|--------|

|                       |        |
|-----------------------|--------|
| Personal Service..... | 29,184 |
|-----------------------|--------|

---

|  |                   |
|--|-------------------|
| Expense and Equipment. . . . .                                   | <u>3,870,999E</u> |
| From Criminal Justice Network and Technology Revolving Fund. . . | <u>3,900,183</u>  |
| Total (Not to exceed 256.0 F.T.E.). . . . .                      | \$20,157,415      |

**SECTION 8.131.** — There is transferred out of the State Treasury, chargeable to the Federal Drug Seizure Fund, Twenty-Seven Thousand, Five Hundred Sixty-Two Dollars (\$27,562) to the General Revenue Fund

From Federal Drug Seizure Fund. . . . . \$27,562

**SECTION 8.135.** — To the Department of Public Safety  
For the State Water Patrol

|                                    |                  |
|------------------------------------|------------------|
| Personal Service. . . . .          | \$4,102,068      |
| Expense and Equipment. . . . .     | <u>1,247,431</u> |
| From General Revenue Fund. . . . . | 5,349,499        |

For the State Water Patrol

All expenditures must be in compliance with the United States  
Department of Justice equitable sharing program guidelines  
Expense and Equipment

From General Revenue Fund (0 F.T.E.). . . . . \$27,562

|  |                  |
|--|------------------|
| Personal Service. . . . .                    | 269,427          |
| Expense and Equipment. . . . .               | <u>1,337,060</u> |
| From Federal Funds. . . . .                  | <u>1,606,487</u> |
| Total (Not to exceed 122.50 F.T.E.). . . . . | \$6,983,548      |

**SECTION 8.140.** — To the Department of Public Safety

For the Division of Liquor Control

|                                    |                |
|------------------------------------|----------------|
| Personal Service. . . . .          | \$3,109,921    |
| Expense and Equipment. . . . .     | <u>738,984</u> |
| From General Revenue Fund. . . . . | 3,848,905      |

|   |                |
|---|----------------|
| Personal Service. . . . .                   | 179,643        |
| Expense and Equipment. . . . .              | <u>79,258</u>  |
| From Federal Funds. . . . .                 | <u>258,901</u> |
| Total (Not to exceed 84.35 F.T.E.). . . . . | \$4,107,806    |

**SECTION 8.145.** — To the Department of Public Safety

For the Division of Liquor Control

For refunds for unused liquor and beer licenses and for liquor and  
beer stamps not used and canceled

From General Revenue Fund (0 F.T.E.). . . . . \$18,000E

**SECTION 8.150.** — To the Department of Public Safety

For the Division of Fire Safety

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|   |                |
|---|----------------|
| Personal Service.....   | \$1,969,334    |
| Expense and Equipment.....                                      | <u>693,615</u> |
| From General Revenue Fund (Not to exceed 58.92 F.T.E.). . . . . | \$2,662,949    |

**SECTION 8.155.** — To the Department of Public Safety

For the Division of Fire Safety

For Firefighter Training Contracted Services

Expense and Equipment

|  |                |
|--|----------------|
| From General Revenue Fund. . . . .                 | \$354,442      |
| From Chemical Emergency Preparedness Fund. . . . . | <u>142,237</u> |
| Total (0 F.T.E.). . . . .                          | \$496,679      |

**SECTION 8.165.** — To the Department of Public Safety

For the Division of Highway Safety

Personal Service..... \$416,520

Expense and Equipment..... 74,021

From Federal Funds . . . . . 490,541

Personal Service..... 346,848

Expense and Equipment..... 95,899

From State Highways and Transportation Department Fund . . . . . 442,747

Expense and Equipment

From Motorcycle Safety Trust Fund. . . . . 50,000

Total (Not to exceed 19.00 F.T.E.). . . . . \$983,288

**SECTION 8.170.** — To the Department of Public Safety

For the Division of Highway Safety

For all allotments, grants, and contributions from federal sources that  
may be deposited in the State Treasury for grants of  
National Highway Safety Act moneys

From Federal Funds (0 F.T.E.). . . . . \$5,000,000

**SECTION 8.171.** — To the Department of Public Safety

For the Division of Highway Safety

For the Combating Underage Drinking Program

From Federal Funds (0 F.T.E.). . . . . \$720,000

**SECTION 8.172.** — To the Department of Public Safety

For the Division of Highway Safety

For the Motor Carrier Safety Assistance Program

From Federal Funds (0 F.T.E.). . . . . \$1,350,000E

**SECTION 8.175.** — To the Department of Public Safety

For the Missouri Veterans' Commission

For Administration and Service to Veterans

|                                    |                |
|------------------------------------|----------------|
| Personal Service. . . . .          | \$1,643,748    |
| Expense and Equipment. . . . .     | <u>278,999</u> |
| From General Revenue Fund. . . . . | 1,922,747      |

|  |                |
|--|----------------|
| Personal Service. . . . .                    | 457,911        |
| Expense and Equipment. . . . .               | <u>675,384</u> |
| From Missouri Veterans' Homes Fund . . . . . | 1,133,295      |

|  |                |
|--|----------------|
| Personal Service. . . . .  | 426,949        |
| Expense and Equipment. . . . .                                     | <u>338,606</u> |
| From Veterans' Commission Capital Improvement Trust Fund . . . . . | 765,555        |

|   |               |
|---|---------------|
| Expense and Equipment                       |               |
| From Veterans' Trust Fund. . . . .          | <u>12,500</u> |
| Total (Not to exceed 84.27 F.T.E.). . . . . | \$3,834,097   |

**SECTION 8.180. — To the Department of Public Safety**

For the Missouri Veterans' Commission

For Missouri Veterans' Homes

|                                    |                |
|------------------------------------|----------------|
| Personal Service. . . . .          | \$7,325,069    |
| Expense and Equipment. . . . .     | <u>341,121</u> |
| From General Revenue Fund. . . . . | 7,666,190      |

|  |                   |
|--|-------------------|
| Personal Service. . . . .                    | 19,158,193        |
| Expense and Equipment. . . . .               | <u>10,092,475</u> |
| From Missouri Veterans' Homes Fund . . . . . | 29,250,668        |

|                                    |        |
|------------------------------------|--------|
| Expense and Equipment              |        |
| From Veterans' Trust Fund. . . . . | 52,500 |

|   |               |
|---|---------------|
| Personal Service  |               |
| From Veterans' Commission Capital Improvement Trust Fund. . . . . | <u>23,190</u> |
| Total (Not to exceed 1,167.83 F.T.E.). . . . .                    | \$36,992,548  |

**SECTION 8.185. — To the Department of Public Safety**

For the Gaming Commission

For the purpose of funding the salary grid formulated on April 15, 2000

by the Office of Administration for uniformed members of the

Highway Patrol

Personal Service

|                                      |           |
|--------------------------------------|-----------|
| From Gaming Commission Fund. . . . . | \$164,125 |
|--------------------------------------|-----------|

For the Divisions of Gaming and Bingo

|                                      |                  |
|--------------------------------------|------------------|
| Personal Service. . . . .            | 10,421,779       |
| Expense and Equipment. . . . .       | <u>2,294,417</u> |
| From Gaming Commission Fund. . . . . | 12,716,196       |



|   |               |
|---|---------------|
| Expense and Equipment                     |               |
| From Gaming Commission Bingo Fund. ....   | <u>84,500</u> |
| Total (Not to exceed 233.00 F.T.E.). .... | \$12,964,821  |

**SECTION 8.190.** — To the Department of Public Safety

For the Gaming Commission

For fringe benefits, including retirement contributions for

members of the Highways and Transportation

Employees' and Highway Patrol Retirement System, and

insurance premiums for State Highway Patrol employees

assigned to work under the direction of the Gaming Commission

Personal Service Benefits. .... \$2,024,485E

Expense and Equipment. .... 411,862E

From Gaming Commission Fund (0 F.T.E.). .... \$2,436,347

**SECTION 8.200.** — To the Department of Public Safety

For the Gaming Commission

For refunding any overpayment or erroneous payment of any amount

that is credited to the Gaming Commission Fund

From Gaming Commission Fund (0 F.T.E.). .... \$100,000E

**SECTION 8.205.** — To the Department of Public Safety

For the Gaming Commission

For refunding any overpayment or erroneous payment of any amount

received for bingo fees

From Bingo Proceeds for Education Fund. .... \$5,000E

From Gaming Commission Bingo Fund. .... 5,000E

Total (0 F.T.E.). .... \$10,000

**SECTION 8.210.** — To the Department of Public Safety

For the Gaming Commission

For breeder incentive payments

From Missouri Breeders Fund (0 F.T.E.). .... \$5,000

**SECTION 8.214.** There is transferred out of the State Treasury,

chargeable to the Federal Drug Seizure Fund, One

Hundred Nine Thousand, Two Hundred Thirty-Nine

Dollars (\$109,239) to the General Revenue Fund

From Federal Drug Seizure Fund. .... \$109,239

**SECTION 8.215.** — To the Adjutant General

For Missouri Military Forces Administration

All expenditures must be in compliance with the United States

Department of Justice equitable sharing program guidelines

Personal Service. .... \$9,000

Expense and Equipment. .... 100,239

From General Revenue Fund (.33 F.T.E.) ..... 109,239

|  |                  |
|--|------------------|
| Personal Service. ....                   | \$1,930,802      |
| Expense and Equipment. ....              | <u>316,653</u>   |
| From General Revenue Fund. ....          | <u>2,247,455</u> |
| Total (Not to exceed 68.74 F.T.E.). .... | \$2,356,694      |

**SECTION 8.217.** — To the Adjutant General

For activities in support of the Guard pursuant to Section 41.214, RSMo

Expense and Equipment

From the Missouri National Guard Trust Fund (0 F.T.E.)..... \$2,000

**SECTION 8.220.** — To the Adjutant General

For the National Guard Tuition Assistance Program pursuant to Section  
73.239, RSMo

|   |                  |
|---|------------------|
| From General Revenue Fund. ....               | \$200,000        |
| From Missouri National Guard Trust Fund. .... | <u>1,400,000</u> |
| Total (0 F.T.E.). ....                        | \$1,600,000      |

**SECTION 8.223.** — To the Adjutant General

For the Military Honors Program pursuant to Section 41.958, RSMo

Personal Service and/or Expense and Equipment

From Missouri National Guard Trust Fund (Not to exceed 43.40 F.T.E.). \$2,242,021

**SECTION 8.225.** — To the Adjutant General

For operational maintenance and repairs for state- and  
federally-owned facilities

|                                 |                |
|---------------------------------|----------------|
| From General Revenue Fund. .... | \$399,881      |
| From Federal Funds. ....        | <u>100,000</u> |
| Total (0 F.T.E.). ....          | \$499,881      |

**SECTION 8.230.** — To the Adjutant General

For Missouri Military Forces Field Support

|  |                  |
|--|------------------|
| Personal Service. ....                                       | \$927,691        |
| Expense and Equipment. ....                                  | 351,712          |
| Fuel and Utilities. ....                                     | <u>1,334,651</u> |
| From General Revenue Fund (Not to exceed 53.08 F.T.E.). .... | \$2,614,054      |

**SECTION 8.235.** — To the Adjutant General

For fuel and utility expenses at armories from armory rental fees

Expense and Equipment

From Adjutant General Revolving Fund (0 F.T.E.)..... \$25,000E

**SECTION 8.240.** — To the Adjutant General

For training site operational costs

Expense and Equipment

From Missouri National Guard Training Site Fund (0 F.T.E.). . . . . \$244,800E

**SECTION 8.245. — To the Adjutant General**

For Missouri Military Forces Contract Services

Personal Service. . . . . \$564,878

Expense and Equipment. . . . . 475,912

From General Revenue Fund. . . . . 1,040,790

Personal Service. . . . . 6,062,291

Expense and Equipment . . . . . 6,900,000E

For refunds of federal overpayments to the state for the Contract

Services Program. . . . . 30,000E

From Federal Funds.. . . . 12,992,291

Total (Not to exceed 218.63 F.T.E.). . . . . \$14,033,081

**SECTION 8.247. — To the Adjutant General**

For the Challenge Youth Program

Personal Service. . . . . \$528,677

Expense and Equipment. . . . . 472,003

From General Revenue Fund. . . . . 1,000,680

Personal Service. . . . . 944,470

Expense and Equipment. . . . . 919,291

From Federal Funds.. . . . 1,863,761

Total (Not to exceed 53.50 F.T.E.). . . . . \$2,864,441

**SECTION 8.248. — To the Adjutant General**

For the Troupers Training School

Personal Service. . . . . \$149,203

Expense and Equipment. . . . . 20,831

From General Revenue Fund. . . . . 170,034

Personal Service. . . . . 369,244

Expense and Equipment. . . . . 637,838E

From Federal Funds.. . . . 1,007,082

Total (Not to exceed 17.63 F.T.E.). . . . . \$1,177,116

**SECTION 8.250. — To the Adjutant General**

For the Office of Air Search and Rescue

Expense and Equipment

From General Revenue Fund (0 F.T.E.). . . . . \$47,692

**SECTION 8.255. — To the Adjutant General**

For the State Emergency Management Agency

For Administration and Emergency Operations

Personal Service. . . . . \$1,512,785

|  |                |
|--|----------------|
| Expense and Equipment .....  | 365,532        |
| For local hazard mitigation projects under the Flood Mitigation Assistance Program. .... | <u>100,000</u> |
| From General Revenue Fund. ....  | 1,978,317      |

|                             |                |
|-----------------------------|----------------|
| Personal Service. ....      | 869,961        |
| Expense and Equipment. .... | <u>216,023</u> |
| From Federal Funds . ....   | 1,085,984      |

|  |                |
|--|----------------|
| Personal Service. ....                         | 160,938        |
| Expense and Equipment. ....                    | <u>68,884</u>  |
| From Chemical Emergency Preparedness Fund..... | <u>229,822</u> |
| Total (Not to exceed 69.26 F.T.E.). ....       | \$3,294,123    |

**SECTION 8.257. — To the Adjutant General**

For the State Emergency Management Agency

For the Community Right-to-Know Act

|  |           |
|--|-----------|
| From Chemical Emergency Preparedness Fund..... | \$650,000 |
|--|-----------|

For distribution of funds to local emergency planning commissions  
to implement the federal Hazardous Materials Transportation  
Uniform Safety Act of 1990

|                          |                |
|--------------------------|----------------|
| From Federal Funds. .... | <u>200,000</u> |
| Total (0 F.T.E.). ....   | \$850,000      |

**SECTION 8.260. — To the Adjutant General**

For the State Emergency Management Agency

For all allotments, grants, and contributions from federal and other  
sources that are deposited in the State Treasury for  
administrative and training expenses of the State Emergency  
Management Agency

|  |              |
|--|--------------|
| From Federal Funds and Other Funds. .... | \$1,500,000E |
|--|--------------|

For all allotments, grants, and contributions from federal and other  
sources that are deposited in the State Treasury for the  
use of the State Emergency Management Agency for  
alleviating distress from disasters

|                                  |          |
|----------------------------------|----------|
| From Missouri Disaster Fund..... | 500,000E |
|----------------------------------|----------|

To provide matching funds for federal grants received under  
Public Law 93-288 and for emergency assistance  
expenses of the State Emergency Management Agency as  
provided in Section 44.032, RSMo

|                                 |                |
|---------------------------------|----------------|
| From General Revenue Fund. .... | <u>66,264E</u> |
| Total (0 F.T.E.). ....          | \$2,066,264    |

**SECTION 8.265.** — There is transferred out of the State Treasury,  
chargeable to the Veterans' Commission Capital Improvement  
Trust Fund, Five Hundred Thousand Dollars (\$500,000) to  
the Veterans' Homes Fund  
From Veterans' Commission Capital Improvement Trust Fund. . . . . \$500,000E

**SECTION 8.270.** — There is transferred out of the State Treasury,  
chargeable to the Gaming Commission Fund, Three Million  
Dollars (\$3,000,000) to the Veterans' Commission Capital  
Improvement Trust Fund  
From Gaming Commission Fund. . . . . \$3,000,000

**SECTION 8.275.** — There is transferred out of the State Treasury,  
chargeable to the Gaming Commission Fund, Three Million  
Dollars (\$3,000,000) to the Missouri National Guard Trust Fund  
From Gaming Commission Fund. . . . . \$3,000,000

**SECTION 8.280.** — There is transferred out of the State Treasury,  
chargeable to the Gaming Commission Fund, Four Million,  
Five Hundred Thousand Dollars (\$4,500,000) to the Missouri  
College Guarantee Fund  
From Gaming Commission Fund. . . . . \$4,500,000E

**SECTION 8.285.** — There is transferred out of the State Treasury,  
chargeable to the Gaming Commission Fund, Thirty-Seven  
Million, Five Hundred Thousand Dollars (\$37,500,000)  
to the Early Childhood Development, Education and Care Fund  
From Gaming Commission Fund. . . . . \$37,500,000E

**Bill Totals**

|                               |                      |
|-------------------------------|----------------------|
| General Revenue Fund. . . . . | \$50,620,717         |
| Federal Funds. . . . .        | \$81,535,357         |
| Other Funds. . . . .          | <u>\$183,526,866</u> |
| Total. . . . .                | \$315,682,940        |

Approved June 28, 2000

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HB 1109 [CCS SCS HCS HB 1109]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: DEPARTMENT OF CORRECTIONS.**

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AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each Department, Division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2000 and ending June 30, 2001, as follows:

**SECTION 9.005.** — To the Department of Corrections

For the purpose of funding the Office of the Director

|   |                |
|---|----------------|
| Personal Service. . . . .   | \$2,689,425    |
| Annual salary adjustment in accordance with Section 105.005,<br>RSMo. . . . . | 2,669          |
| Expense and Equipment. . . . .  | <u>239,732</u> |
| From General Revenue Fund (Not to exceed 85.00 F.T.E.). . . . .               | \$2,931,826    |

**SECTION 9.007.** — To the Department of Corrections

For the Office of the Director

For the purpose of funding a Chief Psychiatrist to perform mental

health assessments and devise treatment plans or  
recommendations for management of psychiatric care  
for the Department of Corrections

|  |               |
|--|---------------|
| Personal Service. . . . .                        | \$138,676     |
| Expense and Equipment. . . . .                   | <u>11,324</u> |
| From General Revenue Fund (1.00 F.T.E.). . . . . | \$150,000     |

**SECTION 9.010.** — To the Department of Corrections

For the Office of the Director

For the purpose of funding General Services

|   |                |
|---|----------------|
| Personal Service. . . . .                     | \$2,302,908    |
| Expense and Equipment. . . . .                | <u>437,332</u> |
| From General Revenue Fund (0 F.T.E.). . . . . | 2,740,240      |

Personal Service

|  |               |
|--|---------------|
| From Working Capital Revolving Fund. . . . . | <u>70,695</u> |
| Total (Not to exceed 84.58 F.T.E.). . . . .  | \$2,810,935   |

**SECTION 9.015.** — To the Department of Corrections

For the Office of the Director

For the purpose of funding all grants and contributions of funds from  
the federal government or from any other source which may be

deposited in the State Treasury for the use of the Department of  
Corrections  
Personal Service and/or Expense and Equipment  
From Federal Funds (0 F.T.E.). . . . . \$5,000,000

**SECTION 9.020.** — To the Department of Corrections

For the Office of the Director

For the purpose of funding data processing and information systems

costs department-wide

Personal Service. . . . . \$2,303,321

Expense and Equipment. . . . . 4,581,141

From General Revenue Fund (Not to exceed 56.79 F.T.E.). . . . . \$6,884,462

**SECTION 9.025.** — To the Department of Corrections

For the Office of the Director

For the purpose of funding the Inmate Fund Programs

Personal Service. . . . . \$714,781

Expense and Equipment. . . . . 126,097

From Inmate Revolving Fund (Not to exceed 21.00 F.T.E.). . . . . \$840,878

**SECTION 9.030.** — To the Department of Corrections

For the Office of the Director

For the purpose of funding the expense of fuel and utilities

department-wide

Expense and Equipment

From General Revenue Fund. . . . . \$10,735,251

From Working Capital Revolving Fund. . . . . 2,931,502

Total (0 F.T.E.). . . . . \$13,666,753

**SECTION 9.031.** — To the Board of Public Buildings

For the Department of Corrections

For payment of rent by the Department of Corrections to the

Board for the Farmington Correctional Center and Fulton

Reception and Diagnostic Center. Funds to be used by the Board

for fuel and utilities.

Expense and Equipment

From General Revenue Fund (0 F.T.E.). . . . . \$2,096,250

**SECTION 9.035.** — To the Department of Corrections

For the Office of the Director

For the purpose of funding the expense of telecommunications

department-wide

Expense and Equipment

From General Revenue Fund. . . . . \$2,707,818

From Working Capital Revolving Fund. . . . . 256,400

Total (0 F.T.E.). . . . . \$2,964,218

**SECTION 9.040.** — To the Department of Corrections

For the Office of the Director

For the purchase, transportation and storage of food, and food service  
items at all correctional institutions

Expense and Equipment

From General Revenue Fund. . . . . \$21,700,000

From Federal Funds. . . . . 450,000

Total (0 F.T.E.). . . . . \$22,150,000

**SECTION 9.045.** — To the Department of Corrections

For the Office of the Director

For the purpose of funding the inmate wage and discharge costs at all  
correctional facilities

Expense and Equipment

From General Revenue Fund (0 F.T.E.) . . . . . \$3,246,750

**SECTION 9.050.** — To the Department of Corrections

For the Office of the Director

For the purpose of funding the salaries and overtime of security  
staff department-wide, and salaries and overtime for start-up  
staff at Bonne Terre and Charleston Correctional Facilities

From General Revenue Fund (380 F.T.E.) . . . . . \$9,486,698

**SECTION 9.055.** — To the Department of Corrections

For the Office of the Director

For the purpose of funding the expenses and small equipment  
purchases at any of the adult institutions department-wide

Expense and Equipment

From General Revenue Fund (0 F.T.E.) . . . . . \$15,365,603

**SECTION 9.060.** — To the Department of Corrections

For the Office of the Director

For the purpose of funding the operational maintenance and repairs for  
state-owned facilities

Expense and Equipment

From General Revenue Fund (0 F.T.E.) . . . . . \$1,218,750

**SECTION 9.065.** — To the Department of Corrections

For the Office of the Director

For Public School Retirement Contributions

From General Revenue Fund (0 F.T.E.) . . . . . \$1,792

**SECTION 9.075.** — To the Department of Corrections

For the Office of the Director

For the purpose of funding interim housing costs department-wide



---

|   |                |
|---|----------------|
| Personal Service.....   | \$1,939,824    |
| Expense and Equipment.....                                      | <u>302,198</u> |
| From General Revenue Fund (Not to exceed 75.00 F.T.E.). . . . . | \$2,242,022    |

**SECTION 9.080.** — To the Department of Corrections

For the Office of the Director

For the purpose of funding start-up costs at Eastern Reception and

Diagnostic Center at Bonne Terre and Southeast Correctional

Center at Charleston

Expense and Equipment

From General Revenue Fund. . . . . \$2,000,000

From Federal Funds.. . . . 500,000

Total (0 F.T.E.). . . . . \$2,500,000

**SECTION 9.100.** — To the Department of Corrections

For the purpose of funding the Division of Human Services

Personal Service..... \$4,404,301

Expense and Equipment..... 271,737

From General Revenue Fund. . . . . 4,676,038

Expense and Equipment

From Crime Victims' Compensation Fund. . . . . 82,500

Total (Not to exceed 136.58 F.T.E.). . . . . \$4,758,538

**\*SECTION 9.105.** — To the Department of Corrections

For the Division of Human Services

For the purpose of funding the training costs department-wide

Expense and Equipment

From General Revenue Fund (0 F.T.E.). . . . . \$2,276,575

\*I hereby veto \$370,000 general revenue for special sensitivity training or POST training. The Department of Corrections receives over \$1.9 million in general revenue funding for training. Corrections officers are not required to have the specific law enforcement training that this additional funding would provide. This veto is necessary to ensure a balanced budget.

Expense and Equipment by \$370,000 from \$2,276,575 to \$1,906,575 from General Revenue Fund.

From \$2,276,575 to \$1,906,575 in total for the section.

MEL CARNAHAN, Governor

**SECTION 9.110.** — To the Department of Corrections

For the Division of Human Services

For the purpose of funding employee health and safety

Expense and Equipment

From General Revenue Fund (0 F.T.E.)..... \$351,208

**SECTION 9.200.** — To the Department of Corrections

For the purpose of funding the Division of Adult Institutions

For the Central Office

Personal Service. .... \$1,826,496

Expense and Equipment. .... 279,927

From General Revenue Fund..... 2,106,423

Personal Service

From Working Capital Revolving Fund..... 53,340

Total (Not to exceed 61.70 F.T.E.). .... \$2,159,763

**SECTION 9.205.** — To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Jefferson City Correctional Center

Personal Service

From General Revenue Fund..... \$16,382,437

From Working Capital Revolving Fund..... 186,691

Total (Not to exceed 613.91 F.T.E.). .... \$16,569,128

**SECTION 9.210.** — To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Central Missouri Correctional Center

at Jefferson City

Personal Service

From General Revenue Fund (Not to exceed 259.87 F.T.E.). .... \$7,054,234

**SECTION 9.215.** — To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Women's Eastern Reception and

Diagnostic Center at Vandalia

Personal Service

From General Revenue Fund (Not to exceed 398.00 F.T.E.). .... \$10,700,518

**SECTION 9.220.** — To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Ozark Correctional Center at Fordland

Personal Service

From General Revenue Fund..... \$3,731,577

From Inmate Revolving Fund. .... 155,922

Total (Not to exceed 142.39 F.T.E.). .... \$3,887,499

**SECTION 9.225.** — To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Moberly Correctional Center

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|  |                |
|--|----------------|
| Personal Service                             |                |
| From General Revenue Fund. . . . .           | \$9,807,810    |
| From Working Capital Revolving Fund. . . . . | <u>160,021</u> |
| Total (Not to exceed 367.52 F.T.E.). . . . . | \$9,967,831    |

**SECTION 9.230.** — To the Department of Corrections  
For the Division of Adult Institutions  
For the purpose of funding the Algoa Correctional Center at  
Jefferson City  
Personal Service  
From General Revenue Fund (Not to exceed 273.01 F.T.E.). . . . . \$7,528,306

**SECTION 9.235.** — To the Department of Corrections  
For the Division of Adult Institutions  
For the purpose of funding the Missouri Eastern Correctional Center  
at Pacific  
Personal Service  
From General Revenue Fund. . . . . \$6,465,475  
From Working Capital Revolving Fund. . . . . 53,340  
Total (Not to exceed 236.88 F.T.E.). . . . . \$6,518,815

**SECTION 9.240.** — To the Department of Corrections  
For the Division of Adult Institutions  
For the purpose of funding the Chillicothe Correctional Center  
Personal Service  
From General Revenue Fund (Not to exceed 131.49 F.T.E.). . . . . \$3,552,341

**SECTION 9.245.** — To the Department of Corrections  
For the Division of Adult Institutions  
For the purpose of funding the Boonville Correctional Center  
Personal Service  
From General Revenue Fund (Not to exceed 277.86 F.T.E.). . . . . \$7,638,580

**SECTION 9.250.** — To the Department of Corrections  
For the Division of Adult Institutions  
For the purpose of funding the Farmington Correctional Center  
Personal Service  
From General Revenue Fund (Not to exceed 501.80 F.T.E.). . . . . \$13,328,856

**SECTION 9.251.** — To the Board of Public Buildings  
For the purpose of funding payment of rent by the Department of  
Corrections (Division of Adult Institutions) to the Board  
For the Farmington Correctional Center  
Funds to be used by the Board for Personal Service. . . . . \$1,207,830  
Funds to be used by the Board for Expense and Equipment. . . . . 175,547  
From General Revenue Fund (Not to exceed 40.76 F.T.E.). . . . . \$1,383,377

---

**SECTION 9.255.** — To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Farmington Boot Camp

Personal Service. . . . . \$526,115

Expense and Equipment. . . . . 167,295

From General Revenue Fund (Not to exceed 20.00 F.T.E.). . . . . \$693,410

**SECTION 9.260.** — To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Western Missouri Correctional Center  
at Cameron

Personal Service

From General Revenue Fund (Not to exceed 476.54 F.T.E.). . . . . \$12,940,423

**SECTION 9.265.** — To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Potosi Correctional Center

Personal Service

From General Revenue Fund (Not to exceed 312.78 F.T.E.). . . . . \$8,445,160

**SECTION 9.266.** — To the Department of Corrections

For the Division of Adult Institutions

For the purpose of payment of annual fees and expenses of the bonds  
used to finance the Potosi Correctional Center

Expense and Equipment

From General Revenue Fund (0 F.T.E.).. . . . \$13,650

**SECTION 9.270.** — To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Fulton Reception and Diagnostic Center

Personal Service and/or Expense and Equipment

From General Revenue Fund (Not to exceed 301.16 F.T.E.). . . . . \$7,937,933

**SECTION 9.271.** — To the Board of Public BuildingsFor the purpose of funding payment of rent by the Department of  
Corrections (Division of Adult Institutions) to the Board

For the Fulton Reception and Diagnostic Center

Funds to be used by the Board for Personal Service. . . . . \$564,366

Funds to be used by the Board for Expense and Equipment. . . . . 48,533

From General Revenue Fund (Not to exceed 19.90 F.T.E.). . . . . \$612,899

**SECTION 9.275.** — To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Tipton Correctional Center

Personal Service

From General Revenue Fund (Not to exceed 365.64 F.T.E.). . . . . \$9,658,962

---

**SECTION 9.290.** — To the Department of Corrections  
For the Division of Adult Institutions  
For the purpose of funding the Western Reception and Diagnostic  
Center at St. Joseph  
Personal Service  
From General Revenue Fund (Not to exceed 590.00 F.T.E.). . . . . \$15,358,661

**SECTION 9.295.** — To the Department of Corrections  
For the Division of Adult Institutions  
For the purpose of funding the Maryville Treatment Center  
Personal Service  
From General Revenue Fund (Not to exceed 230.00 F.T.E.). . . . . \$6,104,524

**SECTION 9.300.** — To the Department of Corrections  
For the Division of Adult Institutions  
For the purpose of funding the Crossroads Correctional Center at  
Cameron  
Personal Service  
From General Revenue Fund (Not to exceed 391.00 F.T.E.). . . . . \$10,048,370

**SECTION 9.305.** — To the Department of Corrections  
For the Division of Adult Institutions  
For the purpose of funding the Northeast Correctional Center at  
Bowling Green  
Personal Service  
From General Revenue Fund (Not to exceed 524.00 F.T.E.). . . . . \$13,768,853

**SECTION 9.310.** — To the Department of Corrections  
For the Division of Adult Institutions  
For the purpose of funding the Eastern Reception and Diagnostic Center  
at Bonne Terre  
Personal Service  
From General Revenue Fund (Not to exceed 3.00 F.T.E.). . . . . \$104,976

**SECTION 9.320.** — To the Department of Corrections  
For the Division of Adult Institutions  
For the purpose of funding payment of annual fees and expenses of the bonds  
used to finance the Eastern Reception and Diagnostic Center  
Expense and Equipment  
From General Revenue Fund (0 F.T.E.). . . . . \$8,287,500

**SECTION 9.325.** — To the Department of Corrections  
For the Division of Adult Institutions  
For the purpose of funding the South Central Correctional Center  
at Licking  
Personal Service. . . . . \$11,783,095

|  |                  |
|--|------------------|
| Expense and Equipment. . . . .                                   | <u>1,075,821</u> |
| From General Revenue Fund (Not to exceed 442.08 F.T.E.). . . . . | \$12,858,916     |

**SECTION 9.400.** — To the Department of Corrections For the Division of  
Offender Rehabilitative Services

|   |               |
|---|---------------|
| For the purpose of funding the Central Office                   |               |
| Personal Service. . . . .                                       | \$1,741,988   |
| Expense and Equipment. . . . .                                  | <u>79,130</u> |
| From General Revenue Fund (Not to exceed 44.15 F.T.E.). . . . . | \$1,821,118   |

**SECTION 9.406.** — To the Department of Corrections

For the Division of Offender Rehabilitative Services

For the purpose of funding contractual services for physical health care

    Personal Service and/or Expense and Equipment

|                                     |                  |
|-------------------------------------|------------------|
| From General Revenue Fund . . . . . | \$41,442,008     |
| From Federal Funds. . . . .         | <u>3,000,000</u> |
| Total (0 F.T.E.). . . . .           | \$44,442,008     |

**SECTION 9.407.** — To the Department of Corrections

For the Division of Offender Rehabilitative Services

For the purpose of funding inmate mental health assessment and mental  
health care services, and for the purchase of mental health drugs

    Personal Service and/or Expense and Equipment

|   |             |
|---|-------------|
| From General Revenue Fund (Not to exceed 81.70 F.T.E.). . . . . | \$8,900,000 |
|---|-------------|

**SECTION 9.408.** — To the Department of Corrections

For the Division of Offender Rehabilitative Services

For the provision of inmate health care

For the purpose of funding the purchase of medical equipment

    Expense and Equipment

|   |           |
|---|-----------|
| From General Revenue Fund (0 F.T.E.). . . . . | \$718,000 |
|---|-----------|

**SECTION 9.409.** — To the Department of Corrections

For the Division of Offender Rehabilitative Services

For the provision of inmate health care

For the purpose of funding physical health care

    Personal Service

|   |           |
|---|-----------|
| From General Revenue Fund (Not to exceed 15.00 F.T.E.). . . . . | \$460,609 |
|---|-----------|

**SECTION 9.410.** — To the Department of Corrections

For the Division of Offender Rehabilitative Services

For the purpose of funding the provision of inmate jobs department-wide,  
including, but not limited to, inmate employment, both institutional  
and industrial, drug and alcohol treatment, and education, both  
academic and vocational

|                           |             |
|---------------------------|-------------|
| Personal Service. . . . . | \$9,958,832 |
|---------------------------|-------------|

|                                 |                   |
|---------------------------------|-------------------|
| Expense and Equipment.....      | <u>11,126,378</u> |
| From General Revenue Fund. .... | 21,085,210        |

|   |                |
|---|----------------|
| Personal Service.....                     | 1,003,423      |
| Expense and Equipment.....                | <u>268,043</u> |
| From Working Capital Revolving Fund. .... | 1,271,466      |

|  |         |
|--|---------|
| Expense and Equipment                                |         |
| From Correctional Substance Abuse Earning Fund ..... | 264,600 |

|  |                |
|--|----------------|
| Expense and Equipment                    |                |
| From Federal Funds.....                  | <u>400,000</u> |
| Total (Not to exceed 290.50 F.T.E.)..... | \$23,021,276   |

**SECTION 9.415. — To the Department of Corrections**

For the Division of Offender Rehabilitative Services

For the purpose of funding Missouri Correctional Enterprises

|   |                   |
|---|-------------------|
| Personal Service.....   | \$7,394,138       |
| Expense and Equipment.....  | <u>27,697,542</u> |
| From Working Capital Revolving Fund (Not to exceed 252.00 F.T.E.).. | \$35,091,680      |

**SECTION 9.416. — To the Department of Corrections**

For the Division of Offender Rehabilitative Services

For the purpose of funding the Private Sector/Prison Industry

|   |           |
|---|-----------|
| Enhancement Program                                 |           |
| Expense and Equipment                               |           |
| From Working Capital Revolving Fund (0 F.T.E.)..... | \$962,762 |

**SECTION 9.500. — To the Department of Corrections**

For the purpose of funding the Board of Probation and Parole

|  |                  |
|--|------------------|
| Personal Service.....  | \$57,907,090     |
| Annual salary adjustment in accordance with Section 105.005,   |                  |
| RSMo. ....   | 15,779           |
| Expense and Equipment.....                                     | <u>7,048,633</u> |
| From General Revenue Fund (Not to exceed 1,861.08 F.T.E.)..... | \$64,971,502     |

**SECTION 9.505. — To the Department of Corrections**

For the Board of Probation and Parole

For the purpose of funding the St. Louis Community Release Center

|  |             |
|--|-------------|
| Personal Service   |             |
| From General Revenue Fund (Not to exceed 129.71 F.T.E.)..... | \$3,533,799 |

**SECTION 9.510. — To the Department of Corrections**

For the Board of Probation and Parole

For the purpose of funding the Kansas City Community Release Center

|                  |  |
|------------------|--|
| Personal Service |  |
|------------------|--|

From General Revenue Fund (Not to exceed 71.69 F.T.E.). . . . . \$1,963,015

**SECTION 9.515.** — To the Department of Corrections

For the Board of Probation and Parole

For the purpose of funding Drug Courts and Local Sentencing Initiatives.

Funding which is made available to Drug Courts shall also be available to those courts that prior to placement of an offender in a Drug Court Program, the court, following arrest may suspend prosecution or any sentencing recommendation and order an assessment by the Division of Probation and Parole to include an evaluation of substance abuse history, risk assessment, and criminal history. In addition, to qualify for funding the courts shall require the offender to successfully complete a drug court program and the courts may expunge the record of those offenders under suspended imposition of sentence, or suspended execution of sentence.

Expense and Equipment

From General Revenue Fund. . . . . \$5,150,000

For the purpose of funding the Community Corrections Coordination Unit

Personal Service. . . . . 342,871

Expense and Equipment. . . . . 8,184,354

From General Revenue Fund. . . . . 8,527,225

Personal Service. . . . . 156,684

Expense and Equipment. . . . . 3,052,708

From Inmate Revolving Fund. . . . . 3,209,392

Total (Not to exceed 17.40 F.T.E.). . . . . \$16,886,617

**\*SECTION 9.520.** — To the Department of Corrections

For the Board of Probation and Parole

For Community Corrections Projects

For the purpose of funding Community Service Treatment Program

pilot projects in Northeast Missouri, the six counties comprising the Bootheel area of Southeast Missouri and in St. Louis City

Expense and Equipment

From General Revenue Fund (0 F.T.E.). . . . . \$743,750

\*I hereby veto \$500,000 general revenue for case management grants. Case Management Programs are currently in effect through community sentencing programs and local sentencing initiatives. Funding of \$250,000 was approved for this purpose in Fiscal Year 2000. These grants should be evaluated for performance prior to expanding funding. This veto is necessary to ensure a balanced budget.

Expense and Equipment by \$500,000 from \$743,750 to \$243,750 from General Revenue Fund.

From \$743,750 to \$243,750 in total for the section.



MEL CARNAHAN, Governor

**Bill Totals**

|                            |                     |
|----------------------------|---------------------|
| General Revenue Fund. .... | \$446,641,690       |
| Federal Funds. ....        | \$9,350,000         |
| Other Funds. ....          | <u>\$45,591,189</u> |
| Total. ....                | \$501,582,879       |

Approved June 28, 2000

## HB 1110 [CCS#2 SCS HCS HB 1110]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**APPROPRIATIONS: DEPARTMENT OF MENTAL HEALTH, BOARD OF PUBLIC BUILDINGS, DEPARTMENT OF HEALTH, AND MISSOURI HEALTH FACILITIES REVIEW COMMITTEE.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the purpose of funding each Department, Division, agency and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, provided, however, that federal funds and block grants in the Department of Health shall be administered under the oversight of a committee composed of five members of the House of Representatives, to be appointed by the Speaker, five members of the Senate, to be appointed by the President Pro Tem, and the Director of the Department of Social Services and the Director of the Department of Health, (both of whom shall serve in an advisory capacity having no voting rights), and further provided that department proposals shall be submitted in writing to the members of this committee thirty (30) days prior to scheduled meetings, for the period beginning July 1, 2000 and ending June 30, 2001, as follows:

**SECTION 10.005.** — To the Department of Mental Health  
For the Office of the Director

|  |                  |
|--|------------------|
| For the purpose of funding Administration    |                  |
| Personal Service. . . . .                    | \$7,618,107      |
| Expense and Equipment. . . . .               | <u>2,925,486</u> |
| From General Revenue Fund. . . . .           | 10,543,593       |
|  |                  |
| Personal Service. . . . .                    | 388,819          |
| Expense and Equipment. . . . .               | <u>738,141</u>   |
| From Federal Funds. . . . .                  | <u>1,126,960</u> |
| Total (Not to exceed 203.44 F.T.E.). . . . . | \$11,670,553     |

**SECTION 10.010.** — To the Department of Mental Health

|  |               |
|--|---------------|
| For the Office of the Director                               |               |
| For the purpose of funding the Office of Information Systems |               |
| Personal Service and/or Expense and Equipment                |               |
| From General Revenue Fund. . . . .                           | \$6,097,448   |
| From Federal Funds. . . . .                                  | <u>47,121</u> |
| Total (Not to exceed 81.34 F.T.E.). . . . .                  | \$6,144,569   |

**SECTION 10.015.** — To the Department of Mental Health

|  |          |
|--|----------|
| For the Office of the Director   |          |
| For the purpose of funding insurance, private pay, licensure fee, and/or |          |
| Medicaid refunds by state facilities operated by the Department          |          |
| of Mental Health   |          |
| From General Revenue Fund. . . . .                                       | \$50,000 |

|   |                |
|---|----------------|
| For the payment of refunds set off against debts as required by Section |                |
| 143.786, RSMo   |                |
| From Debt Offset Escrow Fund. . . . .                                   | <u>70,000E</u> |
| Total (0 F.T.E.). . . . .   | \$120,000      |

**SECTION 10.020.** — To the Department of Mental Health

|  |                  |
|--|------------------|
| For the Office of the Director                                       |                  |
| For the purpose of funding receipt and disbursement of donations and |                  |
| gifts which may become available to the Department of Mental         |                  |
| Health during the year (excluding federal grants and funds)          |                  |
| Personal Service. . . . .  | \$734,905        |
| Expense and Equipment. . . . .                                       | <u>1,283,486</u> |
| From Mental Health Trust Fund (Not to exceed 6.00 F.T.E.). . . . .   | \$2,018,391      |

**SECTION 10.025.** — To the Department of Mental Health

|  |             |
|--|-------------|
| For the Office of the Director                                     |             |
| For the purpose of funding operational maintenance and repairs for |             |
| state-owned facilities   |             |
| Expense and Equipment  |             |
| From General Revenue Fund (0 F.T.E.). . . . .                      | \$1,197,230 |

**SECTION 10.030.** — To the Department of Mental Health

For the Office of the Director

For the purpose of funding federal grants which become available  
between sessions of the General Assembly

Personal Service..... \$80,000

Expense and Equipment..... 270,000

From Federal Funds (Not to exceed 4.00 F.T.E.)..... \$350,000

**SECTION 10.035.** — To the Department of Mental Health

For the Office of the Director

For the purpose of funding the Caring Communities Program..... \$3,682,374

Personal Service..... 161,714

Expense and Equipment..... 42,406

From General Revenue Fund. .... 3,886,494

For the Caring Communities Program

From Federal Funds..... 2,104,583

Total (Not to exceed 2.77 F.T.E.)..... \$5,991,077

**SECTION 10.045.** — To the Department of Mental Health

For the Office of the Director

For the purpose of funding work therapy for client workers at  
state agencies

Personal Service..... \$79,259

Expense and Equipment..... 600

From Mental Health Interagency Payments Fund (Not to exceed

6.00 F.T.E.) ..... \$79,859**SECTION 10.050.** — To the Department of Mental Health

For the Office of the Director

For the purpose of funding programs in response to changes in federal fiscal  
policies with regard to welfare reform. No funds appropriated herein  
may be expended until a utilization plan has been received by both  
the House Budget Committee Chair and the Senate Appropriations Chair.For the purpose of funding a Work in Recovery Program for adults and minor  
parents in response to changes in federal fiscal policies with regard to  
welfare reform.

From General Revenue Fund (0 F.T.E.)..... \$530,000

**SECTION 10.055.** — To the Department of Mental Health

For the Office of the Director

For the purpose of funding overtime costs related to direct care staff training

Personal Service..... \$387,529

Expense and Equipment..... 50,000

From General Revenue Fund (0 F.T.E.)..... \$437,529

**SECTION 10.060.** — There is transferred out of the State Treasury,  
chargeable to the General Revenue Reimbursements Fund,  
Thirty-Two Million, Four Hundred Thirty-Eight Thousand,  
Eight Hundred and Thirteen Dollars (\$32,438,813) to the  
General Revenue Fund  
From General Revenue Reimbursements Fund. . . . . \$32,438,813

**SECTION 10.105.** — To the Department of Mental Health  
For the Division of Alcohol and Drug Abuse  
For the purpose of funding the administration of statewide comprehensive  
alcohol and drug abuse prevention and treatment programs  
Personal Service. . . . . \$1,570,451  
Expense and Equipment. . . . . 52,891  
From General Revenue Fund. . . . . 1,623,342

Personal Service. . . . . 812,845  
Expense and Equipment. . . . . 803,079  
From Federal Funds . . . . . 1,615,924

Personal Service. . . . . 203,113  
Expense and Equipment. . . . . 51,204  
From Health Initiatives Fund . . . . . 254,317

Personal Service. . . . . 87,786  
Expense and Equipment. . . . . 52,372  
From Mental Health Earnings Fund . . . . . 140,158

For statewide needs assessments. . . . . 400,000  
For an interstate study to develop a standardized approach for measuring  
the performance and outcomes of substance abuse treatment  
programs. This is a three-year federal grant initially appropriated  
in Fiscal Year 2000.  
Expense and Equipment. . . . . 502,143  
From Federal Funds. . . . . 902,143  
Total (Not to exceed 67.85 F.T.E.). . . . . \$4,535,884

**SECTION 10.110.** — To the Department of Mental Health  
For the Division of Alcohol and Drug Abuse  
For the purpose of funding prevention and education services. . . . . \$756,451  
Personal Service. . . . . 7,364  
Expense and Equipment. . . . . 43,000  
For the purpose of funding prevention and education services using General  
Revenue in place of Health Initiative Funds . . . . . 346,771  
From General Revenue Fund. . . . . 1,153,586

For prevention and education services. . . . . 5,054,566

|                            |               |
|----------------------------|---------------|
| Personal Service.....      | 226,902       |
| Expense and Equipment..... | <u>78,165</u> |
| From Federal Funds .....   | 5,359,633     |

## For tobacco enforcement

Provided that no person under the age of eighteen shall be used  
as either an employee or a volunteer for the purposes of  
enforcement of tobacco laws

|                                 |           |
|---------------------------------|-----------|
| Expense and Equipment           |           |
| From General Revenue Fund. .... | 1,200,000 |

|                            |                |
|----------------------------|----------------|
| Personal Service.....      | 236,110        |
| Expense and Equipment..... | <u>117,820</u> |
| From Federal Funds .....   | 353,930        |

## For the purpose of funding Kids Beat Program

Expense &amp; Equipment

|                         |         |
|-------------------------|---------|
| From Federal Funds..... |         |
| .....                   | 119,000 |

For a state incentive program and a community high-risk youth program  
funded by two federal grants

Expense and Equipment

|  |                  |
|--|------------------|
| From Federal Funds.....                  | <u>3,143,617</u> |
| Total (Not to exceed 13.00 F.T.E.). .... | \$11,329,766     |

**SECTION 10.115.** — To the Department of Mental Health

## For the Division of Alcohol and Drug Abuse

For the purpose of funding the treatment of alcohol and drug abuse. . . \$17,912,402

|   |           |
|---|-----------|
| Personal Service and/or Expense and Equipment. .... | 4,493,162 |
|---|-----------|

## For the purpose of funding the treatment of alcohol and drug abuse using

|   |           |
|---|-----------|
| General Revenue in place of Health Initiative Funds ..... | 3,553,414 |
|---|-----------|

## For the purpose of expanding adolescent substance abuse services across

the state. Funds are to be distributed using a formula, developed  
by the Department of Mental Health, ensuring that priority is given  
to underserved populations and those at a greater risk of abusing  
alcohol and drugs .....

|  |           |
|--|-----------|
|  | 1,250,316 |
|--|-----------|

## For the purpose of funding adult substance abuse services in service

|               |                |
|---------------|----------------|
| area #6 ..... | <u>300,000</u> |
|---------------|----------------|

|                                 |            |
|---------------------------------|------------|
| From General Revenue Fund. .... | 27,509,294 |
|---------------------------------|------------|

|  |            |
|--|------------|
| For treatment of alcohol and drug abuse..... | 23,896,115 |
|--|------------|

|   |                  |
|---|------------------|
| Personal Service and/or Expense and Equipment. .... | <u>1,230,004</u> |
|---|------------------|

|                          |            |
|--------------------------|------------|
| From Federal Funds ..... | 25,126,119 |
|--------------------------|------------|

## For treatment of alcohol and drug abuse

|   |                  |
|---|------------------|
| From Health Initiatives Fund. . . . .       | <u>4,558,388</u> |
| Total (Not to exceed 70.93 F.T.E.). . . . . | \$57,193,801     |

**SECTION 10.120.** — To the Department of Mental Health

For the Division of Alcohol and Drug Abuse

|  |              |
|--|--------------|
| For the purpose of funding treatment of compulsive gambling. . . . . | \$412,798    |
| Personal Service. . . . .  | 34,494       |
| Expense and Equipment. . . . .                                       | <u>5,194</u> |

|  |           |
|--|-----------|
| From Compulsive Gamblers Fund (Not to exceed 1.00 F.T.E.). . . . . | \$452,486 |
|--|-----------|

**SECTION 10.125.** — To the Department of Mental Health

For the Division of Alcohol and Drug Abuse

For the purpose of funding the Substance Abuse Traffic Offender Program

|   |                   |
|---|-------------------|
| From Federal Funds. . . . .               | \$407,458         |
| From Health Initiatives Fund . . . . .    | 1,365,680         |
| From Mental Health Earnings Fund. . . . . | <u>1,732,097E</u> |
| Total (0 F.T.E.). . . . .                 | \$3,505,235       |

**SECTION 10.205.** — To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding division administration

|                                    |                |
|------------------------------------|----------------|
| Personal Service. . . . .          | \$1,652,950    |
| Expense and Equipment. . . . .     | <u>396,688</u> |
| From General Revenue Fund. . . . . | 2,049,638      |

|   |                |
|---|----------------|
| Personal Service. . . . .                   | 438,679        |
| Expense and Equipment. . . . .              | <u>452,401</u> |
| From Federal Funds. . . . .                 | <u>891,080</u> |
| Total (Not to exceed 49.58 F.T.E.). . . . . | \$2,940,718    |

**SECTION 10.210.** — To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding adult community programs provided

that up to ten percent of this appropriation may be used for

services for youth .. . . . \$72,552,411

Personal Service and/or Expense and Equipment. . . . . 7,176,948

|                                    |            |
|------------------------------------|------------|
| From General Revenue Fund. . . . . | 79,729,359 |
|------------------------------------|------------|

|  |            |
|--|------------|
| For adult community programs . . . . . | 12,925,708 |
|--|------------|

|  |                  |
|--|------------------|
| Personal Service and/or Expense and Equipment. . . . . | <u>1,976,877</u> |
|--|------------------|

|                              |            |
|------------------------------|------------|
| From Federal Funds . . . . . | 14,902,585 |
|------------------------------|------------|

For adult community programs

From payments by the Department of Social Services for supported  
community living for Comprehensive Psychiatric Services clients  
in lieu of Supplemental Nursing Care payments

From Mental Health Interagency Payments Fund . . . . . 250,000

For adult community programs

From Health Initiatives Fund.. . . . 70,703

Total (Not to exceed 163.16 F.T.E.). . . . . \$94,952,647

**SECTION 10.215.** — To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding nursing home reform requirements of  
the Omnibus Budget Reconciliation Act of 1987, including  
specialized services

From General Revenue Fund. . . . . \$56,000

From Federal Funds.. . . . 168,000

Total (0 F.T.E.). . . . . \$224,000

**SECTION 10.220.** — To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of reimbursing attorneys, physicians, and counties for  
fees in involuntary civil commitment procedures.. . . . \$950,000E

For distribution through the Office of Administration to counties

pursuant to Section 56.700, RSMo.. . . . 150,000

From General Revenue Fund (0 F.T.E.). . . . . \$1,100,000

**SECTION 10.225.** — To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding programs for the homeless mentally ill

From General Revenue Fund. . . . . \$906,392

For programs for the homeless mentally ill . . . . . 2,771,622

Expense and Equipment.. . . . 1,554,680

From Federal Funds.. . . . 4,326,302

Total (0 F.T.E.). . . . . \$5,232,694

**SECTION 10.230.** — To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding forensic support services

Personal Service.. . . . \$623,467

Expense and Equipment.. . . . 122,638

From General Revenue Fund (Not to exceed 17.39 F.T.E.). . . . . \$746,105

**SECTION 10.235.** — To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding youth community programs, provided that  
up to ten percent of this appropriation may be used for services  
for adults.. . . . \$20,685,494

|   |                  |
|---|------------------|
| Personal Service and/or Expense and Equipment . . . . .   | 3,489,576        |
| For the purpose of funding programs in response to changes in federal fiscal policies with regard to welfare reform. No funds appropriated herein may be expended until a utilization plan has been received & reviewed by both the House Budget Committee Chair and the Senate Appropriations Committee Chair. . . . . | <u>627,471</u>   |
| From General Revenue Fund. . . . .  | 24,802,541       |
| For youth community programs . . . . .  | 2,148,583        |
| Personal Service and/or Expense and Equipment. . . . .  | <u>2,697,319</u> |
| From Federal Funds . . . . .  | 4,845,902        |
| For youth community programs  |                  |
| From Health Initiatives Fund. . . . .   | <u>600,000</u>   |
| Total (Not to exceed 46.96 F.T.E.). . . . .   | \$30,248,443     |

|   |                    |
|---|--------------------|
| <b>SECTION 10.240.</b> — To the Department of Mental Health   |                    |
| For the Division of Comprehensive Psychiatric Services  |                    |
| For the purpose of funding services for children who are clients of the Divisions of Youth Services and Family Services |                    |
| Personal Service and/or Expense and Equipment   |                    |
| From Mental Health Interagency Payments Fund (Not to exceed 38.00 F.T.E.). . . . .                                      | <u>\$1,330,907</u> |

|   |             |
|---|-------------|
| <b>SECTION 10.310.</b> — To the Department of Mental Health   |             |
| For the Division of Comprehensive Psychiatric Services  |             |
| For the purpose of funding fuel and utility expenses at state facilities operated by the Division of Comprehensive Psychiatric Services, provided that up to three percent of this appropriation may be used for facilities operated by the Division of Mental Retardation and Developmental Disabilities |             |
| Expense and Equipment   |             |
| From General Revenue Fund (0 F.T.E.). . . . .   | \$4,473,678 |

|   |                |
|---|----------------|
| <b>SECTION 10.315.</b> — To the Department of Mental Health     |                |
| For the Division of Comprehensive Psychiatric Services          |                |
| For the purchase and administration of new medication therapies |                |
| Expense and Equipment   |                |
| From General Revenue Fund. . . . .                              | \$9,178,336    |
| From Federal Funds. . . . .                                     | <u>916,243</u> |
| Total (0 F.T.E.). . . . .                                       | \$10,094,579   |

|  |  |
|--|--|
| <b>SECTION 10.325.</b> — To the Department of Mental Health  |  |
| For the Division of Comprehensive Psychiatric Services   |  |
| For the purpose of funding costs for forensic clients resulting from loss of benefits under provisions of the Social Security Domestic |  |



Employment Reform Act of 1994  
Expense and Equipment  
From General Revenue Fund (0 F.T.E.). . . . . \$500,000

**SECTION 10.335.** — To the Department of Mental Health  
For the Division of Comprehensive Psychiatric Services  
For the purpose of funding Fulton State Hospital  
Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 1,409.93 F.T.E.).. . . . \$44,597,173

**SECTION 10.340.** — To the Department of Mental Health  
For the Division of Comprehensive Psychiatric Services  
For the purpose of funding Northwest Missouri Psychiatric Rehabilitation  
Center  
Personal Service and/or Expense and Equipment  
From General Revenue Fund. . . . . \$12,781,800  
From Federal Funds . . . . . 434,386

For psychiatric services  
Personal Service and/or Expense and Equipment  
From Mental Health Trust Fund. . . . . 400,000  
For direct and/or contract provision of children's services  
Personal Service and/or Expense and Equipment  
From General Revenue Fund. . . . . 2,347,653  
Total (Not to exceed 500.63 F.T.E.). . . . . \$15,963,839

**SECTION 10.345.** — To the Department of Mental Health  
For the Division of Comprehensive Psychiatric Services  
For the purpose of funding St. Louis Psychiatric Rehabilitation Center  
Personal Service and/or Expense and Equipment  
From General Revenue Fund. . . . . \$18,937,257  
From Federal Funds.. . . . 175,580  
Total (Not to exceed 609.53 F.T.E.). . . . . \$19,112,837

**SECTION 10.350.** — To the Department of Mental Health  
For the Division of Comprehensive Psychiatric Services  
For the purpose of funding Southwest Missouri Psychiatric Rehabilitation  
Center  
Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 110.17 F.T.E.). . . . . \$3,700,415

**SECTION 10.355.** — To the Department of Mental Health  
For the Division of Comprehensive Psychiatric Services  
For the purpose of funding Cottonwood Residential Treatment Center  
Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 77.75 F.T.E.). . . . . \$2,260,461

**SECTION 10.360.** — To the Department of Mental Health  
For the Division of Comprehensive Psychiatric Services  
For the purpose of funding Hawthorn Children's Psychiatric Hospital  
Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 200.68 F.T.E.). . . . . \$6,534,860

**SECTION 10.365.** — To the Department of Mental Health  
For the Division of Comprehensive Psychiatric Services  
For the purpose of funding Metropolitan St. Louis Psychiatric Center  
Personal Service and/or Expense and Equipment  
From General Revenue Fund. . . . . \$14,484,759  
From Federal Funds. . . . . 158,544  
Total (Not to exceed 393.78 F.T.E.). . . . . \$14,643,303

**SECTION 10.370.** — To the Department of Mental Health  
For the Division of Comprehensive Psychiatric Services  
For the purpose of funding Mid-Missouri Mental Health Center  
Personal Service and/or Expense and Equipment  
From General Revenue Fund. . . . . \$7,430,850  
From Federal Funds . . . . . 279,371

For services for children and youth  
Personal Service and/or Expense and Equipment  
From General Revenue Fund. . . . . 1,751,442  
Total (Not to exceed 252.75 F.T.E.). . . . . \$9,461,663

**SECTION 10.375.** — To the Department of Mental Health  
For the Division of Comprehensive Psychiatric Services  
For the purpose of funding Southeast Missouri Mental Health Center  
Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 663.32 F.T.E.). . . . . \$20,842,962

**SECTION 10.376.** — To the Board of Public Buildings  
For the Department of Mental Health  
For operation and maintenance of the Southeast Missouri Mental Health  
Center  
Expense and Equipment  
From General Revenue Fund (0 F.T.E.).. . . . \$129,322

**SECTION 10.380.** — To the Department of Mental Health  
For the Division of Comprehensive Psychiatric Services  
For the purpose of funding Western Missouri Mental Health Center for  
lease/purchase payments and related expenses, operation of the  
current facility, and any other expenses related to replacement  
of the facility  
Personal Service and/or Expense and Equipment. . . . . \$20,867,388

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For the Western Missouri Mental Health Center and/or contracting for  
 children's services in the Northwest Region  
 Personal Service and/or Expense and Equipment. . . . . 964,745  
 From General Revenue Fund (Not to exceed 667.41 F.T.E.). . . . . \$21,832,133

**SECTION 10.405.** — To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding division administration

Personal Service. . . . . \$1,396,456  
 Expense and Equipment. . . . . 247,657  
 From General Revenue Fund. . . . . 1,644,113

Personal Service. . . . . 50,607  
 Expense and Equipment. . . . . 7,195  
 From Federal Funds. . . . . 57,802  
 Total (Not to exceed 33.70 F.T.E.). . . . . \$1,701,915

**SECTION 10.410.** — To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding the Early and Periodic Screening, Diagnostic  
 and Treatment Program

Personal Service. . . . . \$212,223  
 Expense and Equipment. . . . . 200,220  
 From General Revenue Fund (Not to exceed 6.00 F.T.E.). . . . . \$412,443

**SECTION 10.415.** — To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding community programs

From General Revenue Fund. . . . . \$68,534,872  
 From Federal Funds . . . . . 1,200,000  
 From General Revenue Reimbursements Fund . . . . . 4,544,329

For the purpose of funding in response to changes in federal fiscal  
 policies with regard to welfare reform. No funds appropriated  
 herein may be expended until a utilization plan has been  
 received & reviewed by both the House Budget Committee Chair and  
 the Senate Appropriations Committee Chair . . . . . 224,900  
 For consumer and family directed supports/in-home services/choices for  
 families  
 From General Revenue Fund. . . . . 20,147,071

For services for children in the custody of the Division of Family Services

From Mental Health Interagency Payments Fund . . . . . 1,049,857

For SB 40 Board tax funds to be used as match for Medicaid initiatives for  
 clients of the Division

From Mental Health Trust Fund.. . . . . 5,852,732E

For the purpose of funding programs and in-home family directed services  
for persons with autism and their families

From General Revenue Fund.. . . . . 3,714,965

For early childhood intervention services

From General Revenue Fund.. . . . . 1,282,007

From Federal Funds . . . . . 3,763,919

From Mental Health Interagency Payments Fund. . . . . 4,547,312

Total (0 F.T.E.). . . . . \$114,861,964

**SECTION 10.420.** — To the Department of Mental Health For the Division  
of Mental Retardation-Developmental Disabilities

For the purpose of funding family support loans pursuant to  
Section 633.185, RSMo

From Family Support Loan Fund.. . . . . \$291,305

For the purpose of funding family support stipends pursuant to  
Section 633.180, RSMo

From General Revenue Fund.. . . . . 1,098,916

Total (0 F.T.E.). . . . . \$1,390,221

**SECTION 10.425.** — To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding Community Support Staff

Personal Service, Expense and Equipment, and/or Purchase of  
Community Services

From General Revenue Fund.. . . . . \$3,346,874

For Community Support Staff. . . . . 8,179,464

For Personal Service, Expense and Equipment and/or Purchase of

Community Services. . . . . 10,216,062

From Federal Funds . . . . . 18,395,526

Total (Not to exceed 298.35 F.T.E.). . . . . \$21,742,400

**SECTION 10.430.** — To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding nursing home reform requirements of  
the Omnibus Budget Reconciliation Act of 1987

Personal Service

From General Revenue Fund.. . . . . \$81,966

From Federal Funds. . . . . 222,572

Total (Not to exceed 7.46 F.T.E.). . . . . \$304,538

**SECTION 10.435.** — To the Department of Mental Health

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For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding developmental disabilities services  
    Personal Service. . . . . \$324,344  
    Expense and Equipment. . . . . 1,187,593  
From Federal Funds (Not to exceed 7.98 F.T.E.). . . . . \$1,511,937

**SECTION 10.500.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Albany Regional Center  
    Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 41.38 F.T.E.). . . . . \$1,631,725

**SECTION 10.505.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Central Missouri Regional Center  
    Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 48.88 F.T.E.). . . . . \$1,636,464

**SECTION 10.510.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Hannibal Regional Center  
    Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 57.13 F.T.E.). . . . . \$2,139,816

**SECTION 10.515.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Joplin Regional Center  
    Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 54.56 F.T.E.). . . . . \$2,139,292

**SECTION 10.520.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Kansas City Regional Center  
    Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 71.91 F.T.E.). . . . . \$2,775,973

**SECTION 10.525.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Kirksville Regional Center  
    Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 41.29 F.T.E.). . . . . \$1,548,798

**SECTION 10.530.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Poplar Bluff Regional Center  
    Personal Service and/or Expense and Equipment

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From General Revenue Fund (Not to exceed 46.08 F.T.E.). . . . . \$1,756,968

**SECTION 10.535.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Rolla Regional Center  
    Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 51.88 F.T.E.). . . . . \$1,769,500

**SECTION 10.540.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Sikeston Regional Center  
    Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 45.54 F.T.E.). . . . . \$1,662,060

**SECTION 10.545.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Springfield Regional Center  
    Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 60.23 F.T.E.). . . . . \$2,285,662

**SECTION 10.550.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the St. Louis Regional Center  
    Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 122.77 F.T.E.). . . . . \$4,142,239

**SECTION 10.560.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding fuel and utility expenses at state facilities  
    operated by the Division of Mental Retardation and Developmental  
    Disabilities, provided that up to three percent of this appropriation  
    may be used for facilities operated by the Division of  
    Comprehensive Psychiatric Services  
    Expense and Equipment  
From General Revenue Fund (0 F.T.E.).. . . . \$2,730,880

**SECTION 10.565.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding intensive staffing needs in habilitation centers  
    Personal Service  
From General Revenue Fund.. . . . \$145,189

    Personal Service. . . . . 1,408,683  
    Expense and Equipment. . . . . 22,380  
From Federal Funds. . . . . 1,431,063  
Total (Not to exceed 70.00 F.T.E.). . . . . \$1,576,252

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**SECTION 10.570.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding Bellefontaine Habilitation Center  
Personal Service, Expense and Equipment, and/or Purchase  
of Community Services  
From General Revenue Fund. . . . . \$22,895,896  
From Federal Funds.. . . . 1,104,681  
Total (Not to exceed 950.14 F.T.E.). . . . . \$24,000,577

**SECTION 10.575.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding Higginsville Habilitation Center  
Personal Service, Expense and Equipment, and/or Purchase of  
Community Services  
From General Revenue Fund. . . . . \$10,659,835  
  
For Northwest Community Services  
Personal Service, Expense and Equipment, and/or Purchase of  
Community Services  
From General Revenue Fund. . . . . 2,122,811  
From Federal Funds.. . . . 657,666  
Total (Not to exceed 544.07 F.T.E.). . . . . \$13,440,312

**SECTION 10.580.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding Marshall Habilitation Center  
Personal Service, Expense and Equipment, and/or Purchase of  
Community Services  
From General Revenue Fund. . . . . \$22,337,001  
From Federal Funds.. . . . 1,589,517  
Total (Not to exceed 986.44 F.T.E.). . . . . \$23,926,518

**SECTION 10.585.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding Nevada Habilitation Center  
Personal Service, Expense and Equipment, and/or Purchase of  
Community Services  
From General Revenue Fund (Not to exceed 357.75 F.T.E.). . . . . \$10,437,708

**SECTION 10.590.** — To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding St. Louis Developmental Disabilities  
Treatment Center  
Personal Service, Expense and Equipment, and/or Purchase of  
Community Services  
From General Revenue Fund. . . . . \$18,182,847

|  |              |
|--|--------------|
| From Federal Funds. . . . .                  | 492,984      |
| Total (Not to exceed 756.30 F.T.E.). . . . . | \$18,675,831 |

**SECTION 10.591. — To the Board of Public Buildings**

For the operation and maintenance of St. Louis Developmental Disabilities

Treatment Center improvements

Expense and Equipment

|   |          |
|---|----------|
| From General Revenue Fund (0 F.T.E.). . . . . | \$84,861 |
|---|----------|

**SECTION 10.595. — To the Department of Mental Health**

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding Southeast Missouri Residential Services

Personal Service, Expense and Equipment, and/or Purchase of  
Community Services

|                                    |             |
|------------------------------------|-------------|
| From General Revenue Fund. . . . . | \$6,001,525 |
|------------------------------------|-------------|

|                             |        |
|-----------------------------|--------|
| From Federal Funds. . . . . | 55,998 |
|-----------------------------|--------|

|  |             |
|--|-------------|
| Total (Not to exceed 237.59 F.T.E.). . . . . | \$6,057,523 |
|--|-------------|

**SECTION 10.600. — To the Department of Health**

For the Office of the Director

For the purpose of funding program operations and support

|                           |             |
|---------------------------|-------------|
| Personal Service. . . . . | \$2,219,329 |
|---------------------------|-------------|

|                                |         |
|--------------------------------|---------|
| Expense and Equipment. . . . . | 475,269 |
|--------------------------------|---------|

|                                    |           |
|------------------------------------|-----------|
| From General Revenue Fund. . . . . | 2,694,598 |
|------------------------------------|-----------|

|                           |           |
|---------------------------|-----------|
| Personal Service. . . . . | 1,000,890 |
|---------------------------|-----------|

|                                |         |
|--------------------------------|---------|
| Expense and Equipment. . . . . | 545,126 |
|--------------------------------|---------|

|                             |           |
|-----------------------------|-----------|
| From Federal Funds. . . . . | 1,546,016 |
|-----------------------------|-----------|

|  |             |
|--|-------------|
| Total (Not to exceed 86.2 F.T.E.). . . . . | \$4,240,614 |
|--|-------------|

**SECTION 10.605. — To the Department of Health**

For the Office of the Director

For the purpose of funding the Center for Health Information Management  
and Epidemiology

For program operations and support

|                           |             |
|---------------------------|-------------|
| Personal Service. . . . . | \$2,856,175 |
|---------------------------|-------------|

|                                |           |
|--------------------------------|-----------|
| Expense and Equipment. . . . . | 1,190,069 |
|--------------------------------|-----------|

|                                    |           |
|------------------------------------|-----------|
| From General Revenue Fund. . . . . | 4,046,244 |
|------------------------------------|-----------|

|                           |           |
|---------------------------|-----------|
| Personal Service. . . . . | 3,337,420 |
|---------------------------|-----------|

|                                |           |
|--------------------------------|-----------|
| Expense and Equipment. . . . . | 4,129,375 |
|--------------------------------|-----------|

|                              |           |
|------------------------------|-----------|
| From Federal Funds . . . . . | 7,466,795 |
|------------------------------|-----------|

Expense and Equipment

|  |        |
|--|--------|
| From Missouri Public Health Services Fund. . . . . | 50,000 |
|--|--------|



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|   |                |
|---|----------------|
| Personal Service.....                     | 112,312        |
| Expense and Equipment.....                | <u>18,000</u>  |
| From Workers' Compensation Fund. ....     | <u>130,312</u> |
| Total (Not to exceed 168.34 F.T.E.). .... | \$11,693,351   |

**SECTION 10.610. — To the Department of Health**

For the Center for Health Information Management and Epidemiology

For the purpose of paying the fees of local registrars of vital records

as provided in Section 193.305, RSMo

From General Revenue Fund (0 F.T.E.). .... \$155,000

**SECTION 10.615. — To the Department of Health**

For the Office of the Director

For the Center for Local Public Health

For the purpose of funding program operations and support

|                                 |               |
|---------------------------------|---------------|
| Personal Service.....           | \$593,267     |
| Expense and Equipment.....      | <u>82,286</u> |
| From General Revenue Fund. .... | 675,553       |

|                            |               |
|----------------------------|---------------|
| Personal Service.....      | 89,346        |
| Expense and Equipment..... | <u>10,692</u> |
| From Federal Funds .....   | 100,038       |

|  |                |
|--|----------------|
| Personal Service.....                        | 42,500         |
| Expense and Equipment.....                   | <u>82,302</u>  |
| From Department of Health Donated Funds..... | <u>124,802</u> |
| Total (Not to exceed 16.70 F.T.E.). ....     | \$900,393      |

**SECTION 10.620. — To the Department of Health**

For the Office of the Director

For the Center for Local Public Health Services

For the purpose of funding core public health functions and related expenses

From General Revenue Fund (0 F.T.E.). .... \$9,662,092

**SECTION 10.625. — To the Department of Health**

For the Center for Community Development and Health Care Access

For the purpose of funding program operations and support

|                                 |          |
|---------------------------------|----------|
| Personal Service                |          |
| From General Revenue Fund. .... | \$37,444 |

For the Essential Community Provider Certification Program

|                                 |               |
|---------------------------------|---------------|
| Personal Service.....           | 38,070        |
| Expense and Equipment.....      | <u>10,000</u> |
| From General Revenue Fund. .... | 48,070        |

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|                                |                |
|--------------------------------|----------------|
| Personal Service. . . . .      | 304,241        |
| Expense and Equipment. . . . . | <u>348,233</u> |
| From Federal Funds . . . . .   | 652,474        |

|  |        |
|--|--------|
| Personal Service                           |        |
| From Health Access Incentive Fund. . . . . | 81,844 |

|   |               |
|---|---------------|
| Personal Service. . . . .   | 62,336        |
| Expense and Equipment. . . . .                                      | <u>22,500</u> |
| From Professional and Practical Nursing Student Loan and Nurse Loan |               |
| Repayment Fund. . . . .   | 84,836        |

|   |                  |
|---|------------------|
| For Caring Communities                      |                  |
| From General Revenue Fund. . . . .          | 2,470,860        |
| From Federal Funds. . . . .                 | <u>1,218,333</u> |
| Total (Not to exceed 12.00 F.T.E.). . . . . | \$4,593,861      |

**SECTION 10.630. — To the Department of Health**

For the Center for Community Development and Health Care Access

For the purpose of funding the Community Health Assessment Resource

Team

|                                    |                |
|------------------------------------|----------------|
| Personal Service. . . . .          | \$387,758      |
| Expense and Equipment. . . . .     | <u>160,334</u> |
| From General Revenue Fund. . . . . | 548,092        |

|   |                |
|---|----------------|
| Personal Service. . . . .                   | 121,178        |
| Expense and Equipment. . . . .              | <u>10,000</u>  |
| From Federal Funds. . . . .                 | <u>131,178</u> |
| Total (Not to exceed 12.50 F.T.E.). . . . . | \$679,270      |

**SECTION 10.635. — To the Department of Health**

For the Center for Community Development and Health Care Access

For the purpose of funding Primary Care Resource Initiative Program

|   |                |
|---|----------------|
| From General Revenue Fund. . . . .              |                |
| . . . . .                                       | \$636,000      |
| From Health Access Incentive Fund. . . . .      | 4,054,000      |
| From Department of Health Donated Fund. . . . . | <u>850,000</u> |
| Total (0 F.T.E.). . . . .                       | \$5,540,000    |

**SECTION 10.640. — To the Department of Health**

For the Center for Community Development and Health Care Access

For the purpose of funding Financial Aid to Medical Students Program

or Medical School Loan Repayment Program in accordance with

Chapter 191, RSMo

|                                    |          |
|------------------------------------|----------|
| From General Revenue Fund. . . . . | \$13,950 |
| From Federal Funds . . . . .       | 214,446  |

---

|  |               |
|--|---------------|
| From Medical School Loan Repayment Fund..... | <u>50,000</u> |
| Total (0 F.T.E.). . . . .                    | \$278,396     |

**SECTION 10.645. — To the Department of Health**

For the Center for Community Development and Health Care Access

For the purpose of funding Nurse Loan and Nurse Loan Repayment  
programs in accordance with Chapter 335, RSMo

|  |                |
|--|----------------|
| From Federal Funds.. . . .   | \$60,000       |
| From Professional and Practical Nursing Student Loan and Nurse Loan<br>Repayment Fund..... | <u>450,000</u> |
| Total (0 F.T.E.). . . . .  | \$510,000      |

**SECTION 10.655. — To the Department of Health**

For the Division of Administration

For the purpose of funding program operations and support

|                                    |                |
|------------------------------------|----------------|
| Personal Service.....              | \$928,534      |
| Expense and Equipment.....         | <u>343,467</u> |
| From General Revenue Fund. . . . . | 1,272,001      |

|                              |                  |
|------------------------------|------------------|
| Personal Service.....        | 1,270,817        |
| Expense and Equipment.....   | <u>2,388,125</u> |
| From Federal Funds . . . . . | 3,658,942        |

|   |                |
|---|----------------|
| Personal Service.....                             | 115,460        |
| Expense and Equipment.....                        | <u>419,280</u> |
| From Missouri Public Health Services Fund.. . . . | 534,740        |

|  |           |
|--|-----------|
| Expense and Equipment                                      |           |
| From Health Access Incentive Fund. . . . .                 | 7,000     |
| From Department of Health Document Services Fund . . . . . | 225,000   |
| From Workers' Compensation Fund. . . . .                   | 8,000     |
| From Department of Health Donated Funds.....               | 1,496,604 |

For the use of federal grants and donations which become available  
between sessions of the General Assembly

Personal Service and/or Expense and Equipment

|   |                  |
|---|------------------|
| From Federal Funds and Other Funds.....     | <u>7,000,000</u> |
| Total (Not to exceed 70.00 F.T.E.). . . . . | \$14,202,287     |

**SECTION 10.660. — To the Department of Health**

For the Division of Administration

For the purpose of funding preventive health services under the  
provisions of the Preventive Health Services Block Grant

|  |             |
|--|-------------|
| From Federal Funds (0 F.T.E.). . . . . | \$2,383,826 |
|--|-------------|

**SECTION 10.665. — To the Department of Health**

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For the Division of Administration  
 For the purpose of funding the Hospital Subsidy Program  
 From General Revenue Fund (0 F.T.E.)..... \$422,280

**SECTION 10.670.** — To the Department of Health

For the Division of Administration  
 For the purpose of funding the payment of refunds set off against debts  
     as required by Section 143.786, RSMo  
 From Debt Offset Escrow Fund (0 F.T.E.)..... \$50,000E

**SECTION 10.675.** — To the Department of Health

For the Division of Administration  
 For the purpose of funding State Public Health Laboratory  
     Personal Service. .... \$2,083,363  
     Expense and Equipment. .... 1,320,766  
 From General Revenue Fund. .... 3,404,129

    Personal Service. .... 1,062,593  
     Expense and Equipment. .... 2,496,174  
 From Federal Funds . .... 3,558,767

    Personal Service. .... 660,331  
     Expense and Equipment. .... 1,268,100  
 From Missouri Public Health Services Fund. .... 1,968,431  
 Total (Not to exceed 110.72 F.T.E.). .... \$8,891,327

**SECTION 10.680.** — There is transferred out of the State Treasury,  
     chargeable to the Health Initiatives Fund, Four Million,  
     Two Hundred Sixty-Eight Thousand, Three Dollars (\$4,268,003)  
     to the Health Access Incentive Fund

From Health Initiatives Fund. .... \$4,268,003

**SECTION 10.685.** — To the Department of Health

For the purpose of funding the Missouri Health Facilities Review  
     Committee  
     Personal Service. .... \$284,444  
     Expense and Equipment. .... 61,891  
 From General Revenue Fund (Not to exceed 9.00 F.T.E.). .... \$346,335

**SECTION 10.690.** — To the Department of Health

For the Division of Environmental Health and Communicable Disease  
     Prevention  
 For the purpose of funding program operations and support  
     Personal Service. .... \$2,689,123  
     Expense and Equipment. .... 2,280,093  
 From General Revenue Fund. .... 4,969,216

|                            |                  |
|----------------------------|------------------|
| Personal Service.....      | 2,867,472        |
| Expense and Equipment..... | <u>6,013,710</u> |
| From Federal Funds .....   | 8,881,182        |

|  |               |
|--|---------------|
| Personal Service.....                    | 168,162       |
| Expense and Equipment.....               | <u>70,532</u> |
| From Hazardous Waste Remedial Fund ..... | 238,694       |

|  |                |
|--|----------------|
| Personal Service.....                          | 79,938         |
| Expense and Equipment.....                     | <u>240,050</u> |
| From Missouri Public Health Services Fund..... | 319,988        |

For the Section of STD/HIV/AIDS Prevention and Care Services

|                                 |                  |
|---------------------------------|------------------|
| Personal Service.....           | 948,113          |
| Expense and Equipment.....      | <u>1,634,075</u> |
| From General Revenue Fund. .... | 2,582,188        |

|                            |                  |
|----------------------------|------------------|
| Personal Service.....      | 880,041          |
| Expense and Equipment..... | <u>5,868,313</u> |
| From Federal Funds .....   | 6,748,354        |

For the purpose of funding medications

|   |                  |
|---|------------------|
| From General Revenue Fund. ....           | 2,200,000        |
| From Federal Funds.....                   | <u>6,440,437</u> |
| Total (Not to exceed 216.10 F.T.E.). .... | \$32,380,059     |

**SECTION 10.695.** — To the Department of Health

For the Division of Maternal, Child and Family Health

For the purpose of funding program operations and support

|                                 |                  |
|---------------------------------|------------------|
| Personal Service.....           | \$1,913,619      |
| Expense and Equipment.....      | <u>1,958,895</u> |
| From General Revenue Fund. .... | 3,872,514        |

|                            |                  |
|----------------------------|------------------|
| Personal Service.....      | 1,982,628        |
| Expense and Equipment..... | <u>4,055,504</u> |
| From Federal Funds .....   | 6,038,132        |

|                                    |        |
|------------------------------------|--------|
| Personal Service                   |        |
| From Health Initiatives Fund ..... | 39,642 |

For service coordination and related expenses (to allow the department the ability to contract for these services at the local level when possible)

|   |                |
|---|----------------|
| Personal Service and/or Expense and Equipment |                |
| From General Revenue Fund. ....               | 1,235,958      |
| From Federal Funds.....                       | <u>990,994</u> |
| Total (Not to exceed 193.19 F.T.E.). ....     | \$12,177,240   |

**SECTION 10.700.** — To the Department of Health

For the Division of Maternal, Child and Family Health

For the purpose of funding maternal and child health services,  
including rape medical examinations, Sudden Infant Death  
Syndrome (SIDS) payments, and maternal and child health  
services from sources other than the Maternal and Child Health  
Block Grant

From General Revenue Fund (0 F.T.E.)..... \$849,018

**SECTION 10.705.** — To the Department of Health

For the Division of Maternal, Child and Family Health

For the purpose of funding maternal and child health services under  
the provisions of the Maternal and Child Health Block Grant

From Federal Funds (0 F.T.E.)..... \$6,585,000

**SECTION 10.710.** — To the Department of Health

For the Division of Maternal, Child and Family Health

1. For the purpose of funding family planning services, pregnancy testing and follow-up services, provided that none of these funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are preconception services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling is defined as providing patients with a list of health care and social service providers that provide pregnancy, prenatal, delivery, infant care, foster care, adoption, alternative to abortion and abortion services and nondirective, non-marketing information in regard to such providers. Such list may categorize the providers by the service or services they provide. An organization that receives these funds may not directly refer patients who seek abortion services to any organization that provides abortion services, including its own independent affiliate. Nondirective counseling relating to pregnancy may be provided. None of these funds may be paid or granted to an organization or an affiliate of an organization that provides abortion services. An organization that receives these funds may not display or distribute marketing materials about abortion services to patients. An otherwise qualified organization shall not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent as determined by the conditions set forth in this section. To ensure that the state does not lend its imprimatur to abortion services, and to ensure that an
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organization that provides abortion services does not receive a direct or indirect economic or marketing benefit from these funds, an organization that receives these funds and its independent affiliate that provides abortion services may not share any of the following:

- (a) The same or similar name;
- (b) Medical or non-medical facilities, including but not limited to business offices, treatment, consultation, examination, and waiting rooms;
- (c) Expenses;
- (d) Employee wages or salaries; or
- (e) Equipment or supplies, including but not limited to computers, telephone systems, telecommunications equipment and office supplies.

An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. An organization that receives these funds must maintain financial records that demonstrate strict compliance with this section and that demonstrate that its independent affiliate that provides abortion services receives no direct or indirect economic or marketing benefit from these funds. An independent audit shall be conducted at least once every three years to ensure compliance with this section. If the organization is an affiliate of an organization which provides abortion services, the independent audit shall be conducted at least annually. The audit shall be conducted by either an independent auditing firm retained by the department of health or by an independent auditing firm approved by the department and retained by an organization receiving these funds. Nothing in this subsection requires an organization receiving federal funds pursuant to Title X of the Public Health Service Act to refrain from performing any service that must or shall be provided pursuant to Title X or the Title X Program Guidelines for Project Grants for Family Planning Services as published by the U.S. Department of Health and Human Services as such laws and guidelines are currently in effect.

2. If any provision of subsection 1 of this section is held invalid, the provision shall be severed from subsection 1 of this section and the remainder of subsection 1 of this section shall be enforced. If the entirety of subsection 1 of this section is held invalid, then this appropriation shall be in accordance with subsection 3 of this section; otherwise subsections 3 and 5 of this section shall have no effect.
3. For the purpose of funding family planning services, pregnancy testing, and follow-up services that are provided directly by the department of health or provided directly by government agencies of this state or provided directly by any political subdivision of this state or provided directly by community mental health centers organized pursuant to sections 205.975 to 205.990, RSMo, or provided directly by community action agencies organized pursuant to sections 660.370 to 660.374, RSMo, through contractual agreement with the department, provided that none of the

funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are preconception services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling is defined as providing patients with a list of health care and social service providers that provide pregnancy, prenatal, delivery, infant care, foster care, adoption, alternative to abortion and abortion services and nondirective, non-marketing information in regard to such providers. Such list may categorize the providers by the service or services they provide. An entity that receives funds pursuant to this subsection may not directly refer patients who seek abortion services to any organization that provides abortion services. Nondirective counseling relating to pregnancy may be provided. None of the funds provided pursuant to this subsection may be paid or granted to an entity that provides abortion services. Any entity receiving funds pursuant to this subsection may not display or distribute marketing materials about abortion services to patients. An independent audit shall be conducted at least once every three years to ensure compliance with this section. The audit shall be conducted by either an independent auditing firm retained by the department of health or by an independent auditing firm approved by the department and retained by the entity receiving these funds. Nothing in this subsection requires an entity receiving federal funds pursuant to Title X of the Public Health Service Act to refrain from performing any service that must or shall be provided pursuant to Title X or the Title X Program Guidelines for Project Grants for Family Planning Services as published by the U.S. Department of Health and Human Services as such laws and guidelines are currently in effect.

4. If the entirety of subsection 1 of this section is held invalid and any provision of subsection 3 of this section is held invalid, then this appropriation shall be in accordance with subsection 5; otherwise subsection 5 shall have no effect.
  5. For the purpose of funding family planning services, pregnancy testing, and follow-up services that are provided directly by the department of health or provided by government agencies of this state or provided directly by any political subdivision of this state through contractual agreement with the department, provided that none of these funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are
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preconception services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling is defined as providing patients with a list of health care and social service providers that provide pregnancy, prenatal, delivery, infant care, foster care, adoption, alternative to abortion and abortion services and nondirective, non-marketing information in regard to such providers. Such list may categorize the providers by the service or services they provide. The department and any other government entity receiving funds pursuant to this subsection may not directly refer patients who seek abortion services to any organization that provides abortion services. Nondirective counseling relating to pregnancy may be provided. None of the funds provided pursuant to this subsection may be paid or granted to a government entity that provides abortion services. The department and any other government entity receiving funds pursuant to this subsection may not display or distribute marketing materials about abortion services to patients. An independent audit shall be conducted at least once every three years to ensure compliance with this section. The audit shall be conducted by either an independent auditing firm retained by the department of health or by an independent auditing firm approved by the department and retained by the government entity receiving these funds. Nothing in this subsection requires the department and any other government entity receiving federal funds pursuant to Title X of the Public Health Service Act to refrain from performing any service that must or shall be provided pursuant to Title X or the Title X Program Guidelines for Project Grants for Family Planning Services as published by the U.S. Department of Health and Human Services as such laws and guidelines are currently in effect.

|                                    |                  |
|------------------------------------|------------------|
| From General Revenue Fund. . . . . | \$5,118,639      |
| From Federal Funds. . . . .        | <u>1,464,819</u> |
| Total (0 F.T.E.). . . . .          | \$6,583,458      |

**SECTION 10.715.** — To the Department of Health

For the Division of Maternal, Child and Family Health

1. For the purpose of funding alternatives to abortion services as follows:
  - prenatal care, medical care, parenting skills, drug and alcohol testing and treatment, child care, newborn or infant care, housing, alternative schooling, adoption assistance, job training and placement, efforts to promote responsible paternity, ultrasound services, case management for pregnancy maintenance, domestic abuse protection and transportation, such services to be for women only during their pregnancy and continuing for one year thereafter, excluding any service of the type described in Section 10.710, provided that none of

these funds may be expended for the purpose of performing, assisting or encouraging abortion and further provided that none of these funds may be expended to directly or indirectly subsidize abortion services, as verified by independent audit, and none of these funds may be granted to organizations or affiliates of organizations which provide or promote abortions.

2. If any provision of subsection 1 of this section is held invalid, then this appropriation shall be in accordance with subsection 3; otherwise subsection 3 shall have no effect.
  3. For the purpose of funding alternatives to abortion services provided directly by the department of health or provided directly by government agencies through contractual agreement with the department, as follows: prenatal care, medical care, parenting skills, drug and alcohol testing and treatment, child care, newborn or infant care, housing, alternative schooling, adoption assistance, job training and placement, efforts to promote responsible paternity, ultrasound services, case management for pregnancy maintenance, domestic abuse protection and transportation, such services to be for women only during their pregnancy and continuing for one year thereafter, excluding any service of the types described in Section 10.710, provided that none of these funds may be expended for the purpose of encouraging abortion.
- From General Revenue Fund (0 F.T.E.)..... \$1,000,000

**SECTION 10.720.** — To the Department of Health

For the Division of Maternal, Child and Family Health

For the purpose of funding school-aged children's health services and related expenses

From Health Initiatives Fund (0 F.T.E.)..... \$5,366,564

**SECTION 10.725.** — To the Department of Health

For the Division of Maternal, Child and Family Health

For the purpose of funding children with special health care needs and related expenses

From General Revenue Fund..... \$1,648,499

From Federal Funds . . . . . 4,306,191

From Crippled Children's Service Fund..... 275,000

From Smith Memorial Endowment Fund . . . . . 35,000

From Department of Health Interagency Payments Fund. . . . . 3,720,527

Total (0 F.T.E.). . . . . \$9,985,217

**SECTION 10.730.** — To the Department of Health

For the Division of Maternal, Child and Family Health

For the purpose of funding Head Injury community rehabilitation and support services

From General Revenue Fund..... \$1,724,298

|   |                |
|---|----------------|
| From Federal Funds and Other Funds..... | <u>250,000</u> |
| Total (0 F.T.E.). . . . .               | \$1,974,298    |

**SECTION 10.735.** — To the Department of Health

For the Division of Maternal, Child and Family Health

For the purpose of funding genetic services

|                                    |                |
|------------------------------------|----------------|
| From General Revenue Fund. . . . . | \$2,055,110    |
| From Federal Funds.. . . .         | <u>260,000</u> |
| Total (0 F.T.E.). . . . .          | \$2,315,110    |

**SECTION 10.740.** — To the Department of Health

For the Division of Nutritional Health and Services

|                                    |                |
|------------------------------------|----------------|
| Personal Service.....              | \$285,290      |
| Expense and Equipment.....         | <u>340,869</u> |
| From General Revenue Fund. . . . . | 626,159        |

|   |                  |
|---|------------------|
| Personal Service.....                       | 2,718,940        |
| Expense and Equipment.....                  | <u>3,036,939</u> |
| From Federal Funds.. . . .                  | <u>5,755,879</u> |
| Total (Not to exceed 87.00 F.T.E.). . . . . | \$6,382,038      |

**SECTION 10.745.** — To the Department of Health

For the Division of Nutritional Health and Services

For the purpose of funding Women, Infants and Children (WIC)

|   |                   |
|---|-------------------|
| Supplemental Nutrition program distributions and related expenses |                   |
| From General Revenue Fund. . . . .                                | \$55,800          |
| From Federal Funds.. . . .  | <u>90,000,000</u> |
| Total (0 F.T.E.). . . . .   | \$90,055,800      |

**SECTION 10.750.** — To the Department of Health

For the Division of Nutritional Health and Services

For the purpose of funding the Child and Adult Care Food Program

|  |               |
|--|---------------|
| From Federal Funds (0 F.T.E.). . . . . | \$52,044,130E |
|--|---------------|

**SECTION 10.755.** — To the Department of Health

For the Division of Nutritional Health and Services

For the purpose of funding the Summer Food Service Program, provided  
that funds are distributed to each county based upon the number  
of eligible children residing in that county. Moneys that are not used  
by one county may be redistributed to another

|  |             |
|--|-------------|
| From Federal Funds (0 F.T.E.). . . . . | \$8,747,200 |
|--|-------------|

**\*SECTION 10.760.** — To the Department of Health

For the Division of Health Standards and Licensure

For the purpose of funding program operations and support

|                       |             |
|-----------------------|-------------|
| Personal Service..... | \$2,895,805 |
|-----------------------|-------------|

|  |                |
|--|----------------|
| Expense and Equipment. . . . .   | <u>520,465</u> |
| From General Revenue Fund. . . . .   | 3,416,270      |
| Personal Service. . . . .  | 1,742,957      |
| Expense and Equipment. . . . .   | <u>429,993</u> |
| From Federal Funds . . . . .   | 2,172,950      |
| Personal Service. . . . .  | 61,838         |
| Expense and Equipment. . . . .   | <u>13,650</u>  |
| From Health Access Incentive Fund. . . . .   | 75,488         |
| Personal Service. . . . .  | 51,539         |
| Expense and Equipment. . . . .   | <u>13,200</u>  |
| From Mammography Fund. . . . .   | 64,739         |
| Personal Service. . . . .  | 177,996        |
| Expense and Equipment. . . . .   | <u>93,990</u>  |
| From Early Childhood Development,<br>Education and Care Fund . . . . .   | 271,986        |
| For a diet pill education program<br>From Department of Health Donated Funds. . . . .  | 500,000        |
| For the purpose of health and safety inspections and related services(to allow<br>the department the ability to contract for these services at the local<br>level when possible.)<br>Personal Service and/or Expense and Equipment |                |
| From General Revenue Fund. . . . .   | 3,422,283      |
| From Federal Funds . . . . .   | 2,128,004      |
| From Missouri Public Health Services Fund. . . . .   | <u>106,743</u> |
| Total (Not to exceed 257.51 F.T.E.). . . . .   | \$12,158,463   |

\*I hereby veto \$370,000 donated funds for the diet pill education program. The appropriation is being reduced to reflect an anticipated spending level consistent with the legislative fiscal note projection.

For a diet pill education program by \$370,000 from \$500,000 to \$130,000 from Department of Health Donated Funds.  
From \$12,158,463 to \$11,788,463 in total for the section.

MEL CARNAHAN, Governor

**SECTION 10.765.** — To the Department of Health  
For the Division of Health Standards and Licensing  
For activities to improve the quality of child care, increase the  
availability of early childhood development programs,

before- and after-school care, and in-home services for families  
with newborn children, and for general administration of  
the program under the provisions of the Child Care and  
Development Fund

|                                    |                  |
|------------------------------------|------------------|
| From General Revenue Fund. . . . . | \$728,740        |
| From Federal Funds. . . . .        | <u>4,964,775</u> |
| Total (0 F.T.E.). . . . .          | \$5,693,515      |

**SECTION 10.770.** — To the Department of Health

For the Division of Chronic Disease Prevention and Health Promotion

For the purpose of funding program operations and support

|                                    |                  |
|------------------------------------|------------------|
| Personal Service. . . . .          | \$847,438        |
| Expense and Equipment. . . . .     | <u>1,125,926</u> |
| From General Revenue Fund. . . . . | 1,973,364        |

|                                |                  |
|--------------------------------|------------------|
| Personal Service. . . . .      | 2,420,842        |
| Expense and Equipment. . . . . | <u>6,708,774</u> |
| From Federal Funds . . . . .   | 9,129,616        |

|   |                |
|---|----------------|
| Personal Service. . . . .                   | 70,355         |
| Expense and Equipment. . . . .              | <u>300,999</u> |
| From Organ Donation Fund. . . . .           | <u>371,354</u> |
| Total (Not to exceed 93.09 F.T.E.). . . . . | \$11,474,334   |

**SECTION 10.775.** — To the Department of Health

For the Division of Chronic Disease Prevention and Health Promotion

For the purpose of funding the Missouri Arthritis Program

|   |           |
|---|-----------|
| From General Revenue Fund (0 F.T.E.). . . . . | \$156,849 |
|---|-----------|

**Bill Totals**

|                               |                     |
|-------------------------------|---------------------|
| General Revenue Fund. . . . . | \$586,605,569       |
| Federal Funds. . . . .        | \$343,136,624       |
| Other Funds. . . . .          | <u>\$83,558,628</u> |
| Total. . . . .                | \$1,013,300,821     |

Approved June 28, 2000

HB 1111 [CCS SCS HCS HB 1111]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: DEPARTMENT OF SOCIAL SERVICES.**

AN ACT to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each Department, Division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2000 and ending June 30, 2001, as follows:

**SECTION 11.005.** — To the Department of Social Services

For Departmental Administration

For the purpose of funding the Office of the Director

|   |              |
|---|--------------|
| Personal Service. . . . .   | \$789,800    |
| Annual salary adjustment in accordance with Section 105.005,<br>RSMo. . . . . | 2,705        |
| Expense and Equipment . . . . .   | 147,304      |
| For expenses of the specific duties of the Prince Hall Advisory Board. . . .  | <u>5,000</u> |
| From General Revenue Fund. . . . .  | 944,809      |

|   |               |
|---|---------------|
| Personal Service. . . . .   | 11,981        |
| Annual salary adjustment in accordance with Section 105.005,<br>RSMo. . . . . | <u>7</u>      |
| From Federal Funds. . . . .   | <u>11,988</u> |
| Total (Not to exceed 15.80 F.T.E.). . . . .                                   | \$956,797     |

**\*SECTION 11.010.** — To the Department of Social Services

For Departmental Administration

For the purpose of funding Temporary Assistance for Needy Families Block Grant, child care, Work First Initiatives, work-related transportation, payments to employees participating in the wage supplementation program, necessary administrative expenses, or to respond to changes in fiscal policy for the Department of Social Services, for the purpose of funding programs in response to changes in federal fiscal policies with regard to welfare reform. No funds appropriated herein may be expended until a utilization plan has been received and reviewed by the House Budget Committee Chair, the House Appropriations Committee-Social Services and Corrections Chair and the Senate Appropriations Committee Chair; and has also been distributed to all current House Appropriations Committee-Social Services and Corrections members. Amendments to the spending plan shall be distributed in the same manner

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|   |                |
|---|----------------|
| From General Revenue Fund. . . . .  | \$7,834,095    |
| From Federal Funds.. . . .  | 5,792,000E     |
| For the purpose of funding Grandparent Foster Care payments   |                |
| From General Revenue Fund. . . . .  | 1,400,000      |
| For the purpose of funding Work First Initiatives and work related expenses<br>including transportation   |                |
| From Federal Funds . . . . .  | 760,000        |
| For the purpose of funding the payment of case management contracts<br>Expense and Equipment  |                |
| From General Revenue Fund. . . . .  | 2,900,000      |
| From Federal Funds . . . . .  | 2,900,000      |
| For the purpose of funding Food Stamp wage supplementation  |                |
| From Federal Funds . . . . .  | 1,500,000      |
| For the purpose of funding data processing expenses associated with<br>Automated Intake<br>Expense and Equipment  |                |
| From General Revenue Fund. . . . .  | 650,000        |
| For the purpose of funding payments for FUTURES services contracted<br>through private institutions<br>Expense and Equipment  |                |
| From General Revenue Fund. . . . .  | 100,000        |
| From Federal Funds . . . . .  | 360,000        |
| For the purpose of funding services to TANF and at risk of becoming<br>TANF clients, including their families. These services shall<br>be available in Pemiscot, Dunklin, New Madrid, and Mississippi<br>counties and shall include, but not be limited to, After school care,<br>Summer care, Job training and Family empowerment services   |                |
| From General Revenue Fund. . . . .  | 500,000        |
| From Federal Funds . . . . .  | 500,000        |
| For the purpose of funding services to TANF, transitional TANF<br>and at risk of becoming TANF clients, including their families.<br>These services shall be available in Pemiscot, Dunklin, New<br>Madrid, Mississippi, Scott, Stoddard, Bollinger, Butler and<br>Wayne counties and shall include, but not be limited to, Job<br>placement, Constructions trades training, Case management and<br>follow up services. |                |
| From General Revenue Fund. . . . .  | 500,000        |
| From Federal Funds.. . . .  | <u>500,000</u> |

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Total (0 F.T.E.). . . . . \$26,196,095

\*I hereby veto \$200,000 general revenue that will be provided to the Department of Economic Development for a St. Louis Cyber Community Center. This veto is necessary to ensure a balanced budget.

For the purpose of funding data processing expenses associated with Automated Intake Expense and Equipment by \$200,000 from \$650,000 to \$450,000.

From \$650,000 to \$450,000 from General Revenue Fund.

From \$26,196,095 to \$25,996,095 in total for the section.

MEL CARNAHAN, Governor

**SECTION 11.015.** — To the Department of Social Services

For Departmental Administration

For the Office of the Director

For the purpose of funding contractual services with Legal Services

Corporations in Missouri which provide legal services to low-income

Missouri citizens. Funds shall be allocated according to the

most recent national census data for the population of poor persons

living in Missouri and in the same manner as current allocation

from the Legal Services Corporation. Funding shall not be allocated

if the provisions of Section 504(a)(7) and Section 508(b)(2)(B)

of the Omnibus 1996 Appropriations Bill have not been met

by the Legal Services Corporation. Contracts for services should

provide low-income Missouri citizen's equal access to the civil

justice system, with high priority on families and children, domestic

violence, the elderly, and qualification for benefits under the

Social Security Act and Work Opportunity Reconciliation Act

of 1996. Contractors shall provide to the department a report

of services rendered, including the number of low-income citizens

served, the number of TANF clients served, the types of services

provided, the cost per case, and the amount of free and reduced fee

legal services which have been provided; and shall include a full

accounting of all expenditures made by or on behalf of Legal Services

Corporations in Missouri which shall include expenditures of all

federal, state, and other funds. An accounting shall be made for the

first six months from July 1, 2000 through December 31, 2000 and

a final accounting for the year through June 30, 2001, and these

reports shall include a comparison with all expenditures for Fiscal

Year 2000. The accountings shall be delivered to the General

Assembly, including the House Budget Committee Chair, the

House Appropriations Committee - Social Services and Corrections

Chair and the Senate Appropriations Committee Chair and also to all current

House Appropriations Committee - Social Services and Corrections members,

no later than January 31, 2001, and July 31, 2001 respectively

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From General Revenue Fund (0 F.T.E.). . . . . \$1,550,000

**SECTION 11.020.** — To the Department of Social Services

For the Office of the Director

For the purpose of receiving and expending donations and federal funds provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds

From Federal and Other Funds (0 F.T.E.). . . . . \$12,430,000

**SECTION 11.030.** — To the Department of Social Services

For the Office of the Director

For the purpose of funding the Personnel and Labor Relations Section

Personal Service. . . . . \$307,470

Expense and Equipment. . . . . 30,549

From General Revenue Fund. . . . . 338,019

Personal Service. . . . . 26,005

Expense and Equipment. . . . . 2,645

From Federal Funds. . . . . 2 8,650

Total (Not to exceed 10.07 F.T.E.). . . . . \$366,669

**SECTION 11.035.** — To the Department of Social Services

For Administrative Services

For the purpose of funding the Division of Budget and Finance

Personal Service. . . . . \$2,486,945

Expense and Equipment. . . . . 1,116,147

From General Revenue Fund. . . . . 3,603,092

Personal Service. . . . . 501,485

Expense and Equipment. . . . . 959,858

From Federal Funds. . . . . 1,461,343

Total (Not to exceed 92.05 F.T.E.). . . . . \$5,064,435

**SECTION 11.040.** — To the Department of Social Services

For Administrative Services

For the Division of Budget and Finance

For the purpose of funding the receipt and disbursement of refunds and incorrectly deposited receipts to allow the over-collection of accounts receivables to be paid back to the recipient

From Federal and Other Funds (0 F.T.E.). . . . . \$275,000E

**SECTION 11.045.** To the Department of Social Services

For Administrative Services

For the Division of Budget and Finance

For the purpose of funding payments to counties toward the care

and maintenance of each delinquent or dependent child as provided  
in Chapter 211.156, RSMo  
From General Revenue Fund (0 F.T.E.)..... \$4,360,000E

**SECTION 11.050.** — To the Department of Social Services

For Administrative Services

For the purpose of funding the Division of Data Processing

Personal Service. .... \$4,059,986  
Expense and Equipment. .... 7,307,024  
From General Revenue Fund. .... 11,367,010

Personal Service. .... 4,563,632  
Expense and Equipment. .... 21,043,137  
From Federal Funds . .... 25,606,769

Personal Service. .... 36,097  
Expense and Equipment. .... 403,289  
From Administrative Trust Fund . .... 439,386

Expense and Equipment  
From Child Support Collections Fund. .... 1,098,010

Expense and Equipment  
From Educational Improvement Fund. .... 127,238

Personal Service. .... 7,254  
Expense and Equipment. .... 43,271  
From Third Party Liability Collections Fund. .... 50,525

Expense and Equipment  
From Nursing Facility Quality of Care Fund. .... 959  
Total (Not to exceed 200.50 F.T.E.). .... \$38,689,897

**\*SECTION 11.055.** — To the Department of Social Services

For Administrative Services

For the purpose of funding the Division of General Services

Personal Service. .... \$2,213,261  
Expense and Equipment. .... 968,378  
From General Revenue Fund. .... 3,181,639

Personal Service. .... 323,098  
Expense and Equipment. .... 63,600  
From Federal Funds . .... 386,698

Expense and Equipment  
From Administrative Trust Fund . .... 250,000

For the purpose of funding the centralized inventory system

Expense and Equipment

From Administrative Trust Fund . . . . . 4,200,000

For the purpose of funding operating maintenance and repair

From General Revenue Fund. . . . . 30,708

From Federal Funds. . . . . 10,138

Total (Not to exceed 97.69 F.T.E.). . . . . \$8,059,183

\*I hereby veto \$42,288 general revenue for an additional employee at Prince Hall that is unnecessary. This veto is necessary to ensure a balanced budget.

Personal Services by \$42,288 from \$2,213,261 to \$2,170,973 from General Revenue Fund.

From \$3,181,639 to \$3,139,351 in total from General Revenue Fund.

From \$8,059,183 to \$8,016,895 in total for the section.

MEL CARNAHAN, Governor

**SECTION 11.060.** — To the Department of Social Services

For Administrative Services

For the purpose of funding the Division of Legal Services

Personal Service. . . . . \$2,816,140

Expense and Equipment. . . . . 478,404

From General Revenue Fund. . . . . 3,294,544

Personal Service. . . . . 2,978,502

Expense and Equipment. . . . . 573,577

From Federal Funds . . . . . 3,552,079

Personal Service. . . . . 133,300

Expense and Equipment. . . . . 31,706

From Third Party Liability Collections Fund. . . . . 165,006

Personal Service

From Child Support Collections Fund. . . . . 146,074

Personal Service. . . . . 51,214

Expense and Equipment. . . . . 14,294

From Nursing Facility Quality of Care Fund. . . . . 65,508

Total (Not to exceed 183.20 F.T.E.). . . . . \$7,223,211

**SECTION 11.065.** — To the Department of Social Services

For the purpose of funding the Division of Child Support Enforcement,

throughout this bill, funds designated as Child Support

Enforcement Collections Fund shall include, in addition to

|   |                   |
|---|-------------------|
| collections, any and all fees collected pursuant to the operation<br>of this division |                   |
| Personal Service. . . . .   | \$589,999         |
| Expense and Equipment. . . . .  | <u>2,693,940</u>  |
| From General Revenue Fund. . . . .  | 3,283,939         |
| Personal Service. . . . .   | 25,166,476        |
| Expense and Equipment. . . . .  | <u>11,803,288</u> |
| From Federal Funds . . . . .  | 36,969,764        |
| Personal Service. . . . .   | 7,582,105         |
| Expense and Equipment. . . . .  | <u>3,899,234</u>  |
| From Child Support Enforcement Collections Fund. . . . .                              | 11,481,339        |
| Expense and Equipment   |                   |
| From Administrative Trust Fund. . . . .   | <u>39,690</u>     |
| Total (Not to exceed 1,217.11 F.T.E.). . . . .  | \$51,774,732      |

**SECTION 11.070.** — To the Department of Social Services

For the Division of Child Support Enforcement

For the purpose of funding contractor and associated costs related  
to the development of the Missouri Automated Child Support  
System (MACSS)

|  |                  |
|--|------------------|
| From Child Support Enforcement Collections Fund. . . . . | \$2,574,949      |
| From Federal Funds. . . . .                              | <u>7,412,000</u> |
| Total (0 F.T.E.). . . . .                                | \$9,986,949      |

**SECTION 11.075.** — To the Department of Social Services

For the Division of Child Support Enforcement

For the purpose of funding Parents Fair Share Program

Personal Service

|                                    |       |
|------------------------------------|-------|
| From General Revenue Fund. . . . . | \$269 |
|------------------------------------|-------|

|                                |                  |
|--------------------------------|------------------|
| Personal Service. . . . .      | 841,808          |
| Expense and Equipment. . . . . | <u>3,599,973</u> |
| From Federal Funds . . . . .   | 4,441,781        |

|  |                  |
|--|------------------|
| Personal Service. . . . .                                | 426,682          |
| Expense and Equipment. . . . .                           | <u>731,679</u>   |
| From Child Support Enforcement Collections Fund. . . . . | <u>1,158,361</u> |
| Total (Not to exceed 47.63 F.T.E.). . . . .              | \$5,600,411      |

**SECTION 11.080.** — To the Department of Social Services

For the Division of Child Support Enforcement

For the purpose of funding contractual agreements with local  
governments in certain paternity establishment and child

support enforcement cases  
 From Child Support Enforcement Collections Fund..... \$653,000  
 From Federal Funds..... 1,270,000  
 Total (0 F.T.E.)..... \$1,923,000

**SECTION 11.085.** — To the Department of Social Services

For the Division of Child Support Enforcement

For the purpose of funding payments to private agencies collecting  
 child support orders and arrearages

From Child Support Enforcement Collections Fund..... \$510,000  
 From Federal Funds..... 990,000  
 Total (0 F.T.E.)..... \$1,500,000

**SECTION 11.090.** — To the Department of Social Services

For the Division of Child Support Enforcement

For the purpose of funding reimbursement to counties and the City of  
 St. Louis providing child support enforcement services

From Federal Funds (0 F.T.E.)..... \$6,980,000

**SECTION 11.100.** — To the Department of Social Services

For the Division of Child Support Enforcement

For the purpose of funding payment to the federal government for  
 reimbursement of federal Temporary Assistance for Needy  
 Families payments, incentive payments to local governments  
 and other states, refunds of bonds, refunds of support payments  
 or overpayments, and distributions to families

From Federal Funds..... \$23,300,000E  
 From Alternative Care Trust Fund ..... 167,000  
 From Debt Offset Escrow Fund. .... 4,000,000E  
 Total (0 F.T.E.)..... \$27,467,000

**SECTION 11.105.** — To the Department of Social Services

For the Division of Child Support Enforcement

For the purpose of funding refunds of over-collected state taxes to  
 non-custodial parents who owe child support

From Child Support Enforcement Collections Fund (0 F.T.E.)..... \$171,000E

**SECTION 11.120.** — To the Department of Social Services

For the Division of Family Services

For the purpose of funding Administrative Services and for electronic  
 benefit transfers (EBT) systems to reduce fraud, waste, and abuse

Personal Service..... \$2,970,071  
 Expense and Equipment..... 3,767,154  
 From General Revenue Fund. .... 6,737,225

Personal Service..... 6,346,362

|                                |                  |
|--------------------------------|------------------|
| Expense and Equipment. . . . . | <u>5,715,220</u> |
| From Federal Funds . . . . .   | 12,061,582       |

|  |               |
|--|---------------|
| Expense and Equipment                        |               |
| From Blind Pension Fund. . . . .             | <u>62,417</u> |
| Total (Not to exceed 262.82 F.T.E.). . . . . | \$18,861,224  |

**SECTION 11.125.** — To the Department of Social Services

For the Division of Family Services

For the purpose of funding training of staff including those who  
provide social services and training of staff for FUTURES,  
Temporary Assistance, and Work First

And for the purpose of contracting with community-based not-for-profit  
agencies which are certified by a recognized national body and  
which demonstrate a record of providing successful job placement,  
training and retention services to provide an employment placement  
program for vacant Social Service Worker I and Social Service  
Worker II positions in the St. Louis Metropolitan area. Such program  
should be focused on recruiting professionals for vacant positions and  
establishing a recruitment program to address turnover within the Division.  
Such a program should include recruitment, training, education,  
supervision, placement, retention and follow-up services

|                                    |                |
|------------------------------------|----------------|
| Expense and Equipment              |                |
| From General Revenue Fund. . . . . | \$1,820,000    |
| From Federal Funds. . . . .        | <u>548,632</u> |
| Total (0 F.T.E.). . . . .          | \$2,368,632    |

**SECTION 11.130.** — To the Department of Social Services

For the Division of Family Services

For the purpose of funding the receipt of funds from the Polk  
County and Bolivar Charitable Trust for the exclusive benefit and  
use of the Polk County Office of the Division of Family Services

|   |          |
|---|----------|
| From Charitable Trust Account (0 F.T.E.). . . . . | \$10,000 |
|---|----------|

**SECTION 11.135.** — To the Department of Social Services

For the Division of Family Services

For the purpose of funding contractor, hardware, and other costs  
associated with planning, development, and implementation  
of a Family Assistance Management Information System (FAMIS)

|                                    |                  |
|------------------------------------|------------------|
| From General Revenue Fund. . . . . | \$3,460,000      |
| From Federal Funds. . . . .        | <u>4,000,124</u> |
| Total (0 F.T.E.). . . . .          | \$7,460,124      |

**SECTION 11.140.** — To the Department of Social Services

For the Division of Family Services

For the purpose of funding Field Services Operations

|   |                  |
|---|------------------|
| Personal Service.....                       | \$13,471,378     |
| Expense and Equipment.....                  | <u>7,106,912</u> |
| From General Revenue Fund. ....             | 20,578,290       |
| Personal Service.....                       | 30,503,467       |
| Expense and Equipment.....                  | <u>7,342,633</u> |
| From Federal Funds .....                    | 37,846,100       |
| Personal Service.....                       | 267,561          |
| Expense and Equipment.....                  | <u>58,006</u>    |
| From Health Initiatives Fund.....           | <u>325,567</u>   |
| Total (Not to exceed 1,565.01 F.T.E.). .... | \$58,749,957     |

**SECTION 11.145. — To the Department of Social Services**

For the Division of Family Services

For the purpose of funding salaries of line staff; provided that the division may use up to \$3,600,000 appropriated herein to contract with community-based not-for-profit agencies which are certified by a recognized national body and which demonstrate a record of providing successful job placement, training and retention services to provide an employment placement program for vacant Social Service Worker I and Social Service Worker II positions in the St. Louis Metropolitan area. Such a program should include recruitment, training, education, supervision, placement, retention and follow-up services. The cost of services for each individual shall not exceed the personnel costs associated with the position being filled. The funding shall be available for tuition, books, stipends, supervision, training and other costs associated with such a program

|   |                |
|---|----------------|
| Personal Service and/or Expense and Equipment |                |
| From General Revenue Fund. ....               | \$37,404,041   |
| From Federal Funds .....                      | 75,583,047     |
| From Health Initiatives Fund.....             | <u>470,819</u> |
| Total (Not to exceed 3,903.82 F.T.E.). ....   | \$113,457,907  |

**SECTION 11.150. — To the Department of Social Services**

For the Division of Family Services

For the purpose of funding job search assistance, skill training services, and emergency intervention services, including transportation expenses and other related expenses for active FUTURES, Temporary Assistance, and Work First participants

|                                 |                  |
|---------------------------------|------------------|
| From General Revenue Fund. .... | \$2,760,000      |
| From Federal Funds.....         | <u>7,586,605</u> |
| Total (0 F.T.E.). ....          | \$10,346,605     |

**SECTION 11.155. — To the Department of Social Services**

For the Division of Family Services  
 For the purpose of funding Food Stamp work training-related expenses  
 From General Revenue Fund. . . . . \$82,000  
 From Federal Funds. . . . . 7,100,000  
 Total (0 F.T.E.). . . . . \$7,182,000

**SECTION 11.160.** — To the Department of Social Services

For the Division of Family Services

For the purpose of funding Child Care Services for recipients of  
 the programs funded by the Temporary Assistance for Needy  
 Families Block Grant, those who would be at risk of being  
 eligible for Temporary Assistance for Needy Families and  
 low-income families, the general administration of the programs,  
 early childhood care and education programs pursuant to Chapter  
 313, RSMo, and to support the Educare program not to exceed  
 \$3,000,000 expenses  
 From General Revenue Fund. . . . . \$57,800,000  
 From Federal Funds . . . . . 86,000,000  
 From Early Childhood Development, Education and Care Fund.. . . . 298,152

For the purpose of payments to accredited child care providers pursuant  
 to Chapter 313, RSMo.. . . . 3,750,000

For the purpose of funding early childhood start-up and expansion grants  
 pursuant to Chapter 313, RSMo . . . . . 5,480,000

For the purpose of funding early childhood development,  
 education, and care programs for low-income families  
 pursuant to Chapter 313, RSMo . . . . . 3,750,000

For the purpose of funding certificates to low-income, at-home  
 families for early childhood development, education, and  
 care pursuant to Chapter 313, RSMo. . . . . 3,750,000  
 From Early Childhood Development, Education and Care Fund.. . . . 16,730,000  
 Total (0 F.T.E.). . . . . \$160,828,152

**SECTION 11.165.** — To the Department of Social Services

For the Division of Family Services

For the purpose of funding the payment of Temporary Assistance  
 for Needy Families benefits and for payments to employers  
 participating in the wage supplementation program  
 From General Revenue Fund. . . . . \$20,300,000  
 From Federal Funds. . . . . 120,000,000E  
 Total (0 F.T.E.). . . . . \$140,300,000

**SECTION 11.170.** — To the Department of Social Services

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For the Division of Family Services  
 For the purpose of funding supplemental payments to aged or  
 disabled persons  
 From General Revenue Fund (0 F.T.E.). . . . . \$365,000

**SECTION 11.175.** — To the Department of Social Services

For the Division of Family Services  
 For the purpose of funding nursing care payments to aged, blind,  
 or disabled persons, provided a portion of this appropriation  
 may be transferred to the Department of Mental Health for  
 persons removed from the Supplemental Nursing Care Program  
 and placed in the Supported Housing Program, resulting in a  
 reduction of Department of Mental Health supplemental nursing  
 home clients and for personal funds to recipients of Supplemental  
 Nursing Care payments as required by Section 208.030, RSMo. Funds  
 appropriated herein may be used to match Medicaid funds if  
 allowable by the federal government  
 From General Revenue Fund (0 F.T.E.). . . . . \$25,538,684

**SECTION 11.180.** — To the Department of Social Services

For the Division of Family Services  
 For the purpose of funding General Relief Program payments  
 From General Revenue Fund. . . . . \$5,550,000  
 From Federal Funds. . . . . 740,000  
 Total (0 F.T.E.).. . . . \$6,290,000

**SECTION 11.185.** — To the Department of Social Services

For the Division of Family Services  
 For the purpose of funding receipt and disbursement of Supplemental  
 Security Income Program payments  
 From Federal Funds (0 F.T.E.). . . . . \$4,000,000

**SECTION 11.190.** — To the Department of Social Services

For the Division of Family Services  
 For the purpose of funding Blind Pensions and Supplemental payments  
 to blind persons  
 From Blind Pension Fund (0 F.T.E.).. . . . \$15,971,788

**SECTION 11.195.** — To the Department of Social Services

For the Division of Family Services  
 For the purpose of funding benefits and services as provided by the  
 Indochina Migration and Refugee Assistance Act of 1975  
 as amended  
 From Federal Funds (0 F.T.E.). . . . . \$3,812,553

**SECTION 11.200.** To the Department of Social Services

For the Division of Family Services

For the purpose of funding community services programs provided  
by community action agencies, including programs to assist  
the homeless, under the provisions of the Community Services  
Block Grant provided that no funds may be expended by the  
Human Development Corporation (HDC) of the City of St. Louis  
until a full disclosure financial statement has been presented  
to the director of the Department of Social Services

From Federal Funds (0 F.T.E.)..... \$15,603,980

**SECTION 11.205.** — To the Department of Social Services

For the Division of Family Services

For the purpose of funding grants for local initiatives to assist the homeless

From Federal Funds (0 F.T.E.)..... \$500,000

**SECTION 11.210.** — To the Department of Social Services

For the Division of Family Services

For the purpose of funding the Emergency Shelter Grant Program

From Federal Funds (0 F.T.E.)..... \$1,340,000

**SECTION 11.215.** — To the Department of Social Services

For the Division of Family Services

For the purpose of funding the Surplus Food Distribution Programs,  
and the receipt and disbursement of Donated Commodities  
Program payments

From Federal Funds (0 F.T.E.)..... \$1,000,000

**SECTION 11.220.** — To the Department of Social Services

For the Division of Family Services

For the purpose of funding payments to the Department of Natural  
Resources for weatherization services

From General Revenue Fund . . . . . \$1,000,000

For the purpose of funding the Low-Income Home Energy Assistance  
Program

From Federal Funds. . . . . 27,300,000

Total (0 F.T.E.). . . . . \$28,300,000

**SECTION 11.225.** — To the Department of Social Services

For the Division of Family Services

For the purpose of funding administration of blind services

Personal Service. . . . . \$571,044

Expense and Equipment. . . . . 194,538

From General Revenue Fund. . . . . 765,582

Personal Service. . . . . 3,025,224

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|                            |                |
|----------------------------|----------------|
| Expense and Equipment..... | <u>842,431</u> |
| From Federal Funds .....   | 3,867,655      |

|  |                |
|--|----------------|
| Personal Service.....                    | 568,693        |
| Expense and Equipment.....               | <u>93,027</u>  |
| From Blind Pension Fund. ....            | <u>661,720</u> |
| Total (Not to exceed 139.15 F.T.E.)..... | \$5,294,957    |

**SECTION 11.230. — To the Department of Social Services**

For the Division of Family Services

For the purpose of funding services for the visually impaired

|                                 |                |
|---------------------------------|----------------|
| From General Revenue Fund. .... | \$1,240,000    |
| From Federal Funds .....        | 5,085,000      |
| From Blind Pension Fund. ....   | 310,000        |
| From Donated Funds.....         | <u>100,000</u> |
| Total (0 F.T.E.) .....          | \$6,735,000    |

**SECTION 11.235. — To the Department of Social Services**

For the Division of Family Services

For the purpose of funding services for children and families to

include the programs and activities delineated in this section

For the purpose of funding children's treatment services, including,

but not limited to, home-based services, day treatment services,

preventive services, child care, family reunification services,

intensive in-home services, child assessment centers and

services provided through comprehensive, expedited permanency

systems of care for children and families. Provided that up to

\$1,000,000 of the funds appropriated herein may be used for

the purpose of expanding and creating new programs,

statewide, with the objective of preventing child abuse. The

Division of Family Services shall issue such grants to

qualified community based, non-profit agencies

|                                 |             |
|---------------------------------|-------------|
| From General Revenue Fund. .... | \$8,330,000 |
| From Federal Funds .....        | 5,747,297   |

For the purpose of funding Foster Care payments, including grandparent

foster care and guardian foster care, related services and for

expenses related to the training of foster parents, and for intensive

in-home services, and for services provided through

comprehensive, expedited permanency systems of care for

children and families

|                                 |            |
|---------------------------------|------------|
| From General Revenue Fund. .... | 28,205,992 |
| From Federal Funds .....        | 11,645,182 |

For the purpose of funding Adoption Subsidy payments and related  
services

From General Revenue Fund. . . . . 31,302,228  
From Federal Funds . . . . . 10,904,586

For the purpose of funding independent living placements and  
therapeutic treatment services, including services provided  
through comprehensive, expedited permanency systems of care  
for children and families

From General Revenue Fund. . . . . 1,780,000  
From Federal Funds . . . . . 2,870,000

For the purpose of funding any programs enumerated in this section,  
including services provided through comprehensive, expedited  
permanency systems of care for children and families

From General Revenue Fund. . . . . 7,720,000  
From Federal Funds. . . . . 3,667,035  
Total (0 F.T.E.). . . . . \$112,172,320

**SECTION 11.240.** — To the Department of Social Services

For the Division of Family Services

For the purpose of funding Regional Child Assessment Centers  
located in St. Louis City, St. Louis County, Jackson  
County, Buchanan County, Greene County, Boone County,  
St. Charles County, Jefferson County, Joplin, and Sedalia.

From General Revenue Fund (0 F.T.E.) . . . . . \$2,250,000

**SECTION 11.245.** — To the Department of Social Services

For the Division of Family Services

For the purpose of funding residential placements and therapeutic  
treatment services, including services provided through  
comprehensive, expedited permanency systems of care for  
children and families

From General Revenue Fund. . . . . \$31,707,650  
From Federal Funds. . . . . 37,010,637  
Total (0 F.T.E.). . . . . \$68,718,287

**SECTION 11.250.** — To the Department of Social Services

For the Division of Family Services

For the purpose of funding diversion of children from inpatient  
psychiatric treatment and to provide services to reduce the  
number of children's inpatient medical hospitalization days

From General Revenue Fund. . . . . \$7,290,309  
From Federal Funds. . . . . 10,269,552  
Total (0 F.T.E.). . . . . \$17,559,861

**SECTION 11.255.** — To the Department of Social Services

For the Division of Family Services

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For the purpose of funding Caring Communities  
 Personal Service..... \$791,987  
 For the purpose of funding Caring Communities Program payments .... 1,790,000  
 From General Revenue Fund. .... 2,581,987

For the purpose of funding Caring Communities Program payments  
 From Federal Funds..... 8,290,000  
 Total (Not to exceed 17.35 F.T.E.). .... \$10,871,987

**SECTION 11.260.** — To the Department of Social Services

For the Division of Family Services  
 For the purpose of funding residential placement payments to counties for  
 children in the custody of juvenile courts  
 From Federal Funds (0 F.T.E.). .... \$700,000

**SECTION 11.265.** — To the Department of Social Services

For the Division of Family Services  
 For the purpose of funding grants or contracts for local initiatives  
 to assist victims of domestic violence  
 From General Revenue Fund. .... \$2,800,000  
 From Federal Funds..... 1,000,000  
 Total (0 F.T.E.). .... \$3,800,000

**SECTION 11.270.** — To the Department of Social Services

For the Division of Family Services  
 For the purpose of funding the Child Abuse and Neglect Prevention  
 Grant and Children Justice Act Grant  
 From Federal Funds (0 F.T.E.). .... \$1,000,000

**SECTION 11.275.** — To the Department of Social Services

For the Division of Family Services  
 For the purpose of funding transactions involving personal funds of  
 children in the custody of the Division of Family Services or  
 the Division of Youth Services  
 From Alternative Care Trust Fund (0 F.T.E.). .... \$9,000,000E

**\*SECTION 11.300.** — To the Department of Social Services

For the Division of Youth Services  
 For the purpose of funding Central Office and Regional Offices  
 Personal Service..... \$2,148,810  
 Expense and Equipment..... 356,963  
 From General Revenue Fund. .... 2,505,773

Personal Service..... 530,883  
 Expense and Equipment..... 98,446  
 From Federal Funds..... 629,329

For the purpose of funding the operations of scared straight type programs  
including, but not limited to, the youth services group program  
operating at the Jefferson City Correctional Center  
Personal Service

|   |             |
|---|-------------|
| From General Revenue Fund. . . . .          | 100,000     |
| Total (Not to exceed 73.62 F.T.E.). . . . . | \$3,235,102 |

\*I hereby veto \$100,000 general revenue for three staff to expand the Scared Straight program currently operating at the Jefferson City Correctional Center. Money for this program currently exists in the Department of Correction's budget. This veto is necessary to ensure a balanced budget.

For the purpose of funding the operations of scared straight type programs including, but not limited to, the youth services group program operating at the Jefferson City Correctional Center

Personal Service by \$100,000 from \$100,000 to \$0 from General Revenue Fund.  
From \$3,235,102 to \$3,135,102 in total for the section.

MEL CARNAHAN, Governor

**SECTION 11.305.** — To the Department of Social Services

For the Division of Youth Services

For the purpose of funding treatment services including foster care  
and contractual payments

|                                    |              |
|------------------------------------|--------------|
| Personal Service. . . . .          | \$30,852,271 |
| Expense and Equipment. . . . .     | 4,015,085    |
| From General Revenue Fund. . . . . | 34,867,356   |

|                                |            |
|--------------------------------|------------|
| Personal Service. . . . .      | 6,440,281  |
| Expense and Equipment. . . . . | 9,147,070  |
| From Federal Funds . . . . .   | 15,587,351 |

|  |           |
|--|-----------|
| Personal Service. . . . .                      | 2,329,526 |
| Expense and Equipment. . . . .                 | 1,910,062 |
| From DSS Educational Improvement Fund. . . . . | 4,239,588 |

|  |         |
|--|---------|
| Personal Service. . . . .              | 103,972 |
| Expense and Equipment. . . . .         | 10,135  |
| From Health Initiatives Fund . . . . . | 114,107 |

For the purpose of funding operating maintenance and repair

|  |              |
|--|--------------|
| From General Revenue Fund. . . . .             | 78,794       |
| From Federal Funds. . . . .                    | 138,243      |
| Total (Not to exceed 1,410.00 F.T.E.). . . . . | \$55,025,439 |

**SECTION 11.310.** — To the Department of Social Services

For the Division of Youth Services  
 For the purpose of funding incentive payments to counties for  
     community-based treatment programs for youth  
 From General Revenue Fund. . . . . \$6,440,000  
 From Gaming Commission Fund. . . . . 500,000  
 Total (0 F.T.E.). . . . . \$6,940,000

**\*SECTION 11.400.** — To the Department of Social Services

For the Division of Medical Services  
 Provided that additions of drugs to the prior authorization  
     list shall be subject to approval by the Joint Committee on  
     Administrative Rules  
     Personal Service. . . . . \$3,542,197  
     Expense and Equipment. . . . . 602,911  
 From General Revenue Fund. . . . . 4,145,108  
  
     Personal Service. . . . . 4,854,918  
     Expense and Equipment. . . . . 2,516,251  
 From Federal Funds . . . . . 7,371,169  
  
     Personal Service. . . . . 16,476  
     Expense and Equipment. . . . . 5,110  
 From Pharmacy Rebates Fund . . . . . 21,586  
  
     Personal Service. . . . . 261,437  
     Expense and Equipment. . . . . 31,385  
 From Health Initiatives Fund . . . . . 292,822  
  
     Personal Service. . . . . 69,849  
     Expense and Equipment. . . . . 10,281  
 From Nursing Facility Quality of Care Fund . . . . . 80,130  
  
     Personal Service. . . . . 245,116  
     Expense and Equipment. . . . . 1,414,665  
 From Third-Party Liability Collections Fund. . . . . 1,659,781  
 Total (Not to exceed 282.83 F.T.E.). . . . . \$13,570,596

\*I hereby veto \$50,000 general revenue for grants to welfare boards. There are currently monies available through the Department of Economic Development for these purposes. Therefore, these funds would be a duplication of effort. This veto is necessary to ensure a balanced budget.

Also, I hereby veto \$30,000, including \$15,000 general revenue to expand the pager pilot program. In Fiscal Year 2000, \$60,000 was appropriated for this program which has not been fully expended. As a result, those funds have been reappropriated for

Fiscal Year 2001. Therefore, it is premature to expand this pilot program at this time. This veto is necessary to ensure a balanced budget.

In addition, I hereby veto the words "Provided that additions of drugs to the prior authorization list shall be subject to approval by the Joint Committee on Administrative Rules". The inclusion of legislation of a general character within an appropriation bill is prohibited by the Missouri Constitution in Article III, Section 23. This is an attempt to hinder the Division of Medical Services' ability to manage and utilize the state's resources efficiently. This action will only heighten the escalating costs of pharmacy services in the Medicaid program. Many private health care organizations utilize prior authorization as a tool to control their costs as well as ensuring the appropriate utilization of prescriptions. In addition, I hereby veto \$20, including \$10 general revenue related to implementing the approval of all drugs on the prior authorization list by the Joint Committee on Administrative Rules. This veto is necessary to ensure a balanced budget.

Expense and Equipment by \$65,010 from \$602,911 to \$537,901 from General Revenue Fund.

From \$4,145,108 to \$4,080,098 in total from General Revenue Fund.

Expense and Equipment by \$15,010 from \$2,516,251 to \$2,501,241 from Federal Funds.

From \$7,371,169 to \$7,356,159 in total from Federal Funds.

From \$13,570,596 to \$13,490,576 in total for the section.

MEL CARNAHAN, Governor

**SECTION 11.401.** — To the Department of Social Services

For the Division of Medical Services

For the purpose of funding women and minority health care outreach  
programs in St. Louis City, Mississippi, New Madrid, Dunklin,  
and Pemiscot counties

|                                    |                |
|------------------------------------|----------------|
| From General Revenue Fund. . . . . | \$500,000      |
| From Federal Funds. . . . .        | <u>500,000</u> |
| Total (0 F.T.E.). . . . .          | \$1,000,000    |

**SECTION 11.405.** — To the Department of Social Services

For the Division of Medical Services

For the purpose of funding fees associated with third-party collections

|  |                 |
|--|-----------------|
| From Federal Funds. . . . .                          | \$250,000E      |
| From Third-Party Liability Collections Fund. . . . . | <u>250,000E</u> |
| Total (0 F.T.E.). . . . .                            | \$500,000E      |

**SECTION 11.410.** — To the Department of Social Services

For the Division of Medical Services

For the purpose of funding the operation of the information system

|                                    |             |
|------------------------------------|-------------|
| From General Revenue Fund. . . . . | \$5,980,000 |
|------------------------------------|-------------|

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|                         |                   |
|-------------------------|-------------------|
| From Federal Funds..... | <u>25,844,006</u> |
| Total (0 F.T.E.).       | \$31,824,006      |

**SECTION 11.415.** — To the Department of Social Services

For the Division of Medical Services

For the purpose of funding contractor payments associated with  
managed care eligibility and enrollment of Medicaid recipients

|                                 |                  |
|---------------------------------|------------------|
| From General Revenue Fund. .... | \$470,000        |
| From Federal Funds.....         | <u>1,970,527</u> |
| Total (0 F.T.E.).               | \$2,440,527      |

**\*SECTION 11.420.** To the Department of Social Services

For the Division of Medical Services

For the purpose of funding pharmaceutical payments under the  
Medicaid fee-for-service and managed care programs and for  
the purpose of funding professional fees for pharmacists

|                                 |                    |
|---------------------------------|--------------------|
| From General Revenue Fund. .... | \$197,473,871      |
| From Federal Funds .....        | 374,171,174        |
| From Pharmacy Rebates Fund..... | <u>41,791,585E</u> |
| Total (0 F.T.E.).               | \$613,436,630      |

\*I hereby veto \$250,000, including \$100,000 general revenue for funding a pilot project related to professional pharmacy services. There has been no documentation provided to demonstrate the efficiencies or cost savings that could be achieved in the Medicaid pharmacy program as a result of this pilot project. This veto is necessary to ensure a balanced budget.

For the purpose of funding pharmaceutical payments under the Medicaid fee-for-service and managed care programs and for the purpose of funding professional fees for pharmacists

From \$197,473,871 to \$197,373,871 in total from General Revenue Fund.

From \$374,171,174 to \$374,021,174 in total from Federal Funds.

From \$613,436,630 to \$613,186,630 in total for the section.

MEL CARNAHAN, Governor

**SECTION 11.421.** — To the Department of Social Services

For the Division of Medical Services

For the purpose of funding pharmaceutical payments under the Medicaid fee-for-  
service and management care programs. Funds appropriated herein  
shall be used for pharmaceutical requirements of children born  
prematurely and at risk who are under the age of five

|                                 |                  |
|---------------------------------|------------------|
| From General Revenue Fund. .... | \$1,600,000      |
| From Federal Funds.....         | <u>2,400,000</u> |
| Total (0 F.T.E.).               | \$4,000,000      |

**SECTION 11.425.** — To the Department of Social Services

For the Division of Medical Services

For the purpose of funding physician services and related services,  
including, but not limited to, clinic and podiatry services,  
physician-sponsored services and fees, laboratory and x-ray  
services, and family planning services under the Medicaid  
fee-for-service and managed care programs

|                                    |                   |
|------------------------------------|-------------------|
| From General Revenue Fund. . . . . | \$59,800,000      |
| From Federal Funds. . . . .        | <u>96,243,080</u> |
| Total (0 F.T.E.). . . . .          | \$156,043,080     |

**SECTION 11.430.** — To the Department of Social Services

For the Division of Medical Services

For the purpose of funding Early and Periodic Screening,  
Diagnostic and Treatment (EPSDT) services under the  
Medicaid fee-for-service and managed care programs,  
including payments to Provisional Licensed Psychologists

|                                    |                   |
|------------------------------------|-------------------|
| From General Revenue Fund. . . . . | \$29,898,058      |
| From Federal Funds. . . . .        | <u>51,552,743</u> |
| Total (0 F.T.E.). . . . .          | \$81,450,801      |

**\*SECTION 11.435.** — To the Department of Social Services

For the Division of Medical Services

For the purpose of funding dental services under the Medicaid  
fee-for-service and managed care programs

|                                    |                  |
|------------------------------------|------------------|
| From General Revenue Fund. . . . . | \$5,617,096      |
| From Federal Funds. . . . .        | <u>8,059,087</u> |
| Total (0 F.T.E.). . . . .          | \$13,676,183     |

\*I hereby veto \$500,000 general revenue to purchase dental equipment. The state should continue to focus its limited resources on increasing the overall reimbursement structure to dentists that provide services to Medicaid recipients rather than funding additional untested pilot programs. In addition, the Division of Medical Services is unable to obtain federal matching funds for this pilot program. Finally, in Fiscal Year 2000, \$500,000 was appropriated for a dental pilot project; however, the contractor did not utilize these funds and as a result those funds have been reappropriated for Fiscal Year 2001. This veto is necessary to ensure a balanced budget.

For the purpose of funding dental services under the Medicaid fee-for-service and managed care programs

From \$5,617,096 to \$5,117,096 in total from General Revenue Fund.

From \$13,676,183 to \$13,176,183 in total for the section.

MEL CARNAHAN, Governor

**SECTION 11.440.** — To the Department of Social Services

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For the Division of Medical Services  
 For the purpose of funding payments to third-party insurers, employers,  
     or policyholders for health insurance  
 From General Revenue Fund. . . . . \$22,300,000  
 From Federal Funds. . . . . 34,950,648  
 Total (0 F.T.E.). . . . . \$57,250,648

**SECTION 11.445.** — To the Department of Social Services

For the Division of Medical Services

For funding long-term care services

For the purpose of funding home health, respite care, homemaker  
     chore, personal care, advanced personal care, adult day care,  
     AIDS, and children's waiver services, Program for All-Inclusive  
     Care for the Elderly, and other related services under the  
     Medicaid fee-for-service and managed care programs.  
     The department shall gather information from the industry,  
     demonstrating the extent that the industry has complied  
     with legislative intent that rate increases funded herein shall  
     be used to increase direct service worker salaries and benefits.  
     In accepting the increased rates, the individual members of the  
     industry agree to provide such information. Provided that an  
     individual eligible for or receiving nursing home care must be  
     given the opportunity to have those Medicaid dollars follow  
     them to the community and choose the personal care option  
     in the community that best meets the individuals' needs. This  
     includes the Consumer Directed Medicaid State Plan  
     Amendment that is administered by the Department of  
     Vocational Rehabilitation and the Department of Education.  
     And further provided that individuals eligible for the Medicaid  
     Personal Care Option must be allowed to choose, from among  
     all the options, that option which best meets their need; and  
     also be allowed to have their Medicaid funds follow them to  
     whichever option they choose

From General Revenue Fund. . . . . \$73,167,298  
 From Federal Funds . . . . . 113,977,534

For the purpose of funding home-delivered meals distributed  
     according to formula to the Area Agencies on Aging

From Federal Funds . . . . . 4,191,968

For the purpose of funding care in nursing facilities, Program for  
     All-Inclusive Care for the Elderly, or other long-term care  
     services under the Medicaid fee-for-service and managed  
     care programs.

From General Revenue Fund. . . . . 140,888,000  
 From Federal Funds . . . . . 278,402,068

|  |                   |
|--|-------------------|
| From Uncompensated Care Fund.. . . . . | <u>35,600,000</u> |
| Total (0 F.T.E.). . . . .              | \$646,226,868     |

**\*SECTION 11.446.** — To the Department of Social Services

For the Division of Medical Services

For funding long-term services

For the purpose of funding pilot projects to test telephone assurance  
programs for the elderly and handicapped

|                                    |          |
|------------------------------------|----------|
| From General Revenue Fund. . . . . | \$50,000 |
|------------------------------------|----------|

|                             |               |
|-----------------------------|---------------|
| From Federal Funds. . . . . | <u>50,000</u> |
|-----------------------------|---------------|

|                           |           |
|---------------------------|-----------|
| Total (0 F.T.E.). . . . . | \$100,000 |
|---------------------------|-----------|

\*I hereby veto \$100,000, including \$50,000 general revenue for funding telephone assurance pilot projects. The pilot program was funded in Fiscal Year 1999; however, to date has only served five individuals. Some Area Agencies on Aging are providing this service and therefore this funding is duplicative in nature. This veto is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$50,000 to \$0 from General Revenue Fund.

From \$50,000 to \$0 from Federal Funds.

From \$100,000 to \$0 in total for the section.

MEL CARNAHAN, Governor

**SECTION 11.450.** — To the Department of Social Services

For the Division of Medical Services

For the purpose of funding all other non-institutional services,  
including but not limited to, rehabilitation, optometry,  
audiology, ambulance, non-emergency medical transportation,  
training for diabetic patients provided by pharmacists and other  
health care providers who are certified in diabetes education at a  
rate of no less than \$40 per hour for the first visit and \$20 per  
hour for each subsequent visit to be paid directly from the  
division, broker services, and durable medical equipment  
under the Medicaid fee-for-service and managed care programs

|                                    |              |
|------------------------------------|--------------|
| From General Revenue Fund. . . . . | \$26,990,868 |
|------------------------------------|--------------|

|                             |                   |
|-----------------------------|-------------------|
| From Federal Funds. . . . . | <u>44,845,462</u> |
|-----------------------------|-------------------|

|                           |              |
|---------------------------|--------------|
| Total (0 F.T.E.). . . . . | \$71,836,330 |
|---------------------------|--------------|

**SECTION 11.455.** — To the Department of Social Services

For the Division of Medical Services

For the purpose of funding the payment to comprehensive prepaid  
health care plans or for payments to providers of health care  
services for persons eligible for medical assistance under the  
Medicaid fee-for-service program or State Medical Program  
as provided by federal or state law or for payments to programs

authorized by the Frail Elderly Demonstration Project  
 Waiver as provided by the Omnibus Budget Reconciliation  
 Act of 1990 (P.L. 101-508, Section 4744) and by Section  
 208.152 (22), RSMo

|  |                    |
|--|--------------------|
| From General Revenue Fund. . . . .                 | \$59,384,493       |
| From Federal Funds . . . . .                       | 263,739,893        |
| From Health Initiatives Fund . . . . .             | 7,061,052          |
| From Federal Reimbursement Allowance Fund. . . . . | <u>105,763,939</u> |
| Total (0 F.T.E.). . . . .                          | \$435,949,377      |

**SECTION 11.460.** — To the Department of Social Services

For the Division of Medical Services

For the purpose of funding hospital care under the Medicaid  
 fee-for-service and managed care programs

|  |                   |
|--|-------------------|
| From General Revenue Fund. . . . .                 | \$48,300,000      |
| From Federal Funds . . . . .                       | 233,883,202       |
| From Uncompensated Care Fund . . . . .             | 52,300,000        |
| From Federal Reimbursement Allowance Fund. . . . . | <u>47,136,061</u> |
| Total (0 F.T.E.). . . . .                          | \$381,619,263     |

**SECTION 11.465.** — To the Department of Social Services

For the Division of Medical Services

For the purpose of funding payments to hospitals under the Federal  
 Reimbursement Allowance Program and for the expenses of  
 the Poison Control Center in order to provide services to all  
 hospitals within the state

|  |                |
|--|----------------|
| From Federal Funds.. . . .                         | \$213,000,000E |
| From Federal Reimbursement Allowance Fund. . . . . | <u>1E</u>      |
| Total (0 F.T.E.). . . . .                          | \$213,000,001E |

**SECTION 11.470.** — To the Department of Social Services

For the Division of Medical Services

For funding programs to enhance access to care for uninsured adults using  
 fee-for-service, prepaid health plans, or other alternative  
 service delivery and reimbursement methodology approved by  
 the director of the Department of Social Services

|  |              |
|--|--------------|
| From General Revenue Fund. . . . .   | \$14,825,050 |
| From Federal Funds . . . . .   | 68,241,848   |
| From Federal Reimbursement Allowance Fund and<br>Intergovernmental Transfers . . . . . | 24,300,000   |
| From Pharmacy Rebates Fund . . . . .   | 814,421      |

For the purpose of funding health care services provided to  
 uninsured adults through local initiatives for the uninsured

|                                       |               |
|---------------------------------------|---------------|
| From Federal and Other Funds. . . . . | <u>1E</u>     |
| Total (0 F.T.E.). . . . .             | \$108,181,320 |

**SECTION 11.472.** — To the Department of Social Services

For the Division of Medical Services

For funding programs to enhance access to care for uninsured children

using fee-for-service, prepaid health plans or other alternative service delivery and reimbursement methodology approved by the Director of the Department of Social Services; provided that in order to be eligible, and pursuant to the provisions of Section 208.631, RSMo Supp. 1999; parents and guardians of uninsured children with incomes between two hundred twenty-six and three hundred percent of the federal poverty level shall submit with their application two health insurance quotes from insurers providing services in their community and said quotes shall exceed one hundred thirty-three percent of the average monthly premium currently required in the Missouri Consolidated Health Care Plan; and provided that up to Seven Million Dollars (\$7,000,000) of the funds appropriated herein may be used for direct medical services by local health agencies contracted through the Department of Health

|   |                   |
|---|-------------------|
| From General Revenue Fund. . . . .  | \$13,233,928      |
| From Federal Funds . . . . .  | 71,675,539        |
| From Federal Reimbursement Allowance Fund and Intergovernmental Transfers . . . . . | 8,300,000         |
| From Health Initiatives Fund . . . . .  | 4,400,000         |
| From Pharmacy Rebates Fund . . . . .  | 755,579           |
| From Premium Fund. . . . .  | <u>1,000,000E</u> |
| Total (0 F.T.E.). . . . .   | \$99,365,046      |

**SECTION 11.475.** — To the Department of Social Services

For the Division of Medical Services

For the purpose of funding uncompensated care hospital payments

under the Medicaid fee-for-service and managed care programs

|  |                |
|--|----------------|
| From Federal Funds (0 F.T.E.). . . . . | \$100,000,000E |
|--|----------------|

**SECTION 11.480.** — There is transferred out of the State Treasury,

chargeable to the General Revenue Fund, One Hundred

Forty Million Dollars (\$140,000,000) to the Federal

Reimbursement Allowance Fund

|                                    |                |
|------------------------------------|----------------|
| From General Revenue Fund. . . . . | \$140,000,000E |
|------------------------------------|----------------|

**SECTION 11.485.** — There is transferred out of the State Treasury,

chargeable to the Federal Reimbursement Allowance Fund,

One Hundred Forty Million Dollars (\$140,000,000) to the

General Revenue Fund as a result of reconciling the Federal

Reimbursement Allowance Fund

|  |                |
|--|----------------|
| From Federal Reimbursement Allowance Fund. . . . . | \$140,000,000E |
|--|----------------|

---

**SECTION 11.490.** — There is transferred out of the State Treasury,  
chargeable to the General Revenue Fund, Eighty-Six Million  
Dollars (\$86,000,000) to the Nursing Facility Federal  
Reimbursement Allowance Fund  
From General Revenue Fund. . . . . \$86,000,000E

**SECTION 11.495.** — There is transferred out of the State Treasury,  
chargeable to the Nursing Facility Federal Reimbursement  
Allowance Fund, Eighty-Six Million Dollars (\$86,000,000)  
to the General Revenue Fund as a result of reconciling the  
Nursing Facility Federal Reimbursement Allowance Fund  
From Nursing Facility Federal Reimbursement Allowance Fund. . . . \$86,000,000E

**SECTION 11.500.** — There is transferred out of the State Treasury,  
chargeable to the Nursing Facility Federal Reimbursement  
Allowance Fund, One Million, Five Hundred Thousand  
Dollars (\$1,500,000) to the Nursing Facility Quality of  
Care Fund  
From Nursing Facility Federal Reimbursement Allowance Fund. . . . . \$1,500,000

**SECTION 11.505.** — To the Department of Social Services  
For the Division of Medical Services  
For the purpose of funding Nursing Facility Federal Reimbursement  
Allowance payments as provided by law. Funds appropriated  
for per diem rate increases shall be allocated based on the  
direct patient care cost component. Any increases in wages  
and benefits already codified in a collective bargaining  
agreement in effect as of July 1, 2000, will not be counted  
towards the increased expenditures required by the act.  
Facilities will be required to supply these contract provisions  
to Division of Medical Services  
From Federal Funds. . . . . \$151,607,000E  
From Nursing Facility Federal Reimbursement Allowance Fund. . . 13,880,342E  
Total (0 F.T.E.). . . . . \$165,487,342E

**SECTION 11.510.** — To the Department of Social Services  
For the Division of Medical Services  
For the purpose of funding Medicaid services for the Department of  
Mental Health under the Medicaid fee-for-service and  
managed care programs  
From Federal Funds (0 F.T.E.). . . . . \$185,175,927E

**SECTION 11.515.** — To the Department of Social Services  
For the Division of Medical Services  
For the purpose of funding payments for health care services  
provided through the Medicaid fee-for-service, managed care,

and the State Medical Program by the Health Access Initiative Act  
 From Federal Funds. . . . . \$10,145,664  
 From Health Initiatives Fund. . . . . 5,557,112  
 Total (0 F.T.E.). . . . . \$15,702,776

**SECTION 11.520.** — To the Department of Social Services  
 For the Division of Medical Services  
 For the purpose of funding medical benefits for recipients  
     of the State Medical Program, including coverage in  
     managed care programs  
 From General Revenue Fund (0 F.T.E.).. . . . \$27,100,000

**SECTION 11.525.** — To the Department of Social Services  
 For the Division of Medical Services  
 For the purpose of supplementing appropriations for any medical  
     service under the Medicaid fee-for-service, managed care  
     or State Medical Program, including related services  
 From General Revenue Fund. . . . . \$1,670,000  
 From Federal Funds . . . . . 35,802,636E  
 From Uncompensated Care Fund . . . . . 7,780,000E  
 From Pharmacy Rebates Fund . . . . . 2,330,000E  
 From Third-Party Liability Collections Fund.. . . . 6,130,000E  
 From Federal Reimbursement Allowance Fund.. . . . 2,033,333E  
 Total (0 F.T.E.). . . . . \$55,745,969

**SECTION 11.530.** — To the Department of Social Services  
 For the purpose of funding the following Medicaid outreach  
     activities: contractor payments associated with managed  
     care eligibility and enrollment of Medicaid recipients  
 From Federal Funds. . . . . \$1,500,000

**SECTION 11.600.** — To the Department of Social Services  
 For the Division of Aging  
 For the purpose of funding Central Administration and Support Services  
     Personal Service. . . . . \$628,110  
     Expense and Equipment. . . . . 115,565  
 From General Revenue Fund. . . . . 743,675

Personal Service. . . . . 712,654  
 Expense and Equipment. . . . . 118,905  
 From Federal Funds. . . . . 831,559  
 Total (Not to exceed 38.97 F.T.E.). . . . . \$1,575,234

**SECTION 11.605.** — To the Department of Social Services  
 For the Division of Aging  
 For the purpose of funding Home and Community Services Personnel

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|                                 |                |
|---------------------------------|----------------|
| Personal Service.....           | \$6,583,212    |
| Expense and Equipment.....      | <u>957,294</u> |
| From General Revenue Fund. .... | 7,540,506      |

|   |                  |
|---|------------------|
| Personal Service.....                     | 8,100,666        |
| Expense and Equipment.....                | <u>903,663</u>   |
| From Federal Funds.....                   | <u>9,004,329</u> |
| Total (Not to exceed 484.86 F.T.E.). .... | \$16,544,835     |

**SECTION 11.610. — To the Department of Social Services**

For the Division of Aging

For the purpose of funding Institutional Services

|                                 |                |
|---------------------------------|----------------|
| Personal Service.....           | \$4,092,208    |
| Expense and Equipment.....      | <u>559,823</u> |
| From General Revenue Fund. .... | 4,652,031      |

|                            |                  |
|----------------------------|------------------|
| Personal Service.....      | 6,515,520        |
| Expense and Equipment..... | <u>1,892,623</u> |
| From Federal Funds .....   | 8,408,143        |

|   |                  |
|---|------------------|
| Personal Service.....                           | 1,078,645        |
| Expense and Equipment.....                      | <u>2,324,644</u> |
| From Nursing Facility Quality of Care Fund..... | <u>3,403,289</u> |
| Total (Not to exceed 307.54 F.T.E.). ....       | \$16,463,463     |

**SECTION 11.615. — To the Department of Social Services**

For the Division of Aging

For the purpose of funding Home and Community Services programs

|                                       |               |
|---------------------------------------|---------------|
| From General Revenue Fund. ....       | \$16,700,000  |
| From Federal Funds .....              | 3,153,021     |
| From Division of Aging Donations..... | <u>50,000</u> |
| Total (0 F.T.E.). ....                | \$19,903,021  |

**SECTION 11.620. — To the Department of Social Services**

For the Division of Aging

For the purpose of funding Home and Community Services grants;

provided, however, that funds appropriated herein for Home-Delivered Meals, distributed according to formula to the area agencies and which may, for whatever reason, not be expended shall be redistributed based upon need and ability to spend. The Area Agencies on Aging shall comply with all reporting requirements requested by the department and shall conduct public hearings on their spending plans and other operations as shall be required by the department.

|                                 |             |
|---------------------------------|-------------|
| From General Revenue Fund. .... | \$9,900,000 |
|---------------------------------|-------------|

|   |                |
|---|----------------|
| From Federal Funds . . . . .  | 27,172,159     |
| From Division of Aging Elderly Home Delivered Meals Trust Fund. . . . . | <u>430,000</u> |
| Total (0 F.T.E.). . . . .   | \$37,502,159   |

**SECTION 11.625.** — To the Department of Social Services

For the Division of Aging

For the distributions to Area Agencies on Aging pursuant to the Older Americans Act and related programs

|                                    |                |
|------------------------------------|----------------|
| From General Revenue Fund. . . . . | \$2,115,000    |
| From Federal Funds. . . . .        | <u>185,000</u> |
| Total (0 F.T.E.). . . . .          | \$2,300,000    |

**SECTION 11.630.** — To the Department of Social Services

For the Division of Aging

For the purpose of funding Self-Directed Attendant Care Service

pilot programs. The providers of care must meet all the protections and requirements of providers in the Missouri Care Options Program. Pilot program clients must be chosen due to location constraints and unique scheduling needs that make them unable to access services through other programs.

|  |           |
|--|-----------|
| From General Revenue Fund (0 F.T.E.) . . . . . | \$250,000 |
|--|-----------|

**SECTION 11.635.** — To the Department of Social Services

For the Division of Aging

For the purpose of funding Meal Preparation Equipment Grants

|  |           |
|--|-----------|
| From General Revenue Fund (0 F.T.E.) . . . . . | \$125,000 |
|--|-----------|

**SECTION 11.640.** — To the Department of Social Services

For the Division of Aging

For the purpose of funding Adult Day Care Health Care Startup Grants

|  |           |
|--|-----------|
| From General Revenue Fund (0 F.T.E.) . . . . . | \$125,000 |
|--|-----------|

**Bill Totals**

|                               |                      |
|-------------------------------|----------------------|
| General Revenue Fund. . . . . | \$1,174,744,017      |
| Federal Funds. . . . .        | \$3,089,152,087      |
| Other Funds. . . . .          | <u>\$449,239,236</u> |
| Total. . . . .                | \$4,713,135,340      |

Approved June 28, 2000

## HB 1112 [CCS SCS HCS HB 1112]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: CHIEF EXECUTIVE'S OFFICE AND MANSION, LT. GOVERNOR, SECRETARY OF STATE, STATE AUDITOR, STATE TREASURER, ATTORNEY GENERAL, MISSOURI PROSECUTING ATTORNEYS AND CIRCUIT ATTORNEYS RETIREMENT SYSTEMS, JUDICIARY, OFFICE OF STATE PUBLIC DEFENDER, GENERAL ASSEMBLY, COMMISSION ON INTERSTATE COOPERATION, COMMITTEE ON LEGISLATIVE RESEARCH, COMMITTEE ON ADMINISTRATIVE RULES, COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT SYSTEMS, COMMITTEE ON CAPITAL IMPROVEMENTS OVERSIGHT, COMMITTEE ON GAMING AND WAGERING AND INTERIM COMMITTEES.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Joint Committee on Administrative Rules, the Joint Committee on Public Employee Retirement Systems, the Joint Committee on Capital Improvements Oversight, and the Joint Committee on Gaming and Wagering; for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each Department, Division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2000 and ending June 30, 2001, as follows:

**SECTION 12.005.** To the Governor

|   |                |
|---|----------------|
| Personal Service and/or Expense and Equipment for the Governor's Office including a base salary of \$118,393 for the Governor in accordance with the Missouri Citizens' Commission on Compensation for Elected Officials. . . . . | \$1,996,686    |
| Annual salary adjustment in accordance with Section 105.005, RSMo. . . . .  | 1,589          |
| Personal Service and/or Expense and Equipment for the Mansion. . . . .  | <u>196,612</u> |
| From General Revenue Fund. . . . .  | \$2,194,887    |

**SECTION 12.010.** — To the Governor  
 For expenses incident to emergency duties performed by the National Guard when ordered out by the Governor  
 From General Revenue Fund. . . . . \$1E

**SECTION 12.015.** — To the Governor  
 For Association Dues  
 From General Revenue Fund (0 F.T.E.). . . . . \$139,450

**SECTION 12.020.** — To the Governor  
 For conducting special audits  
 From General Revenue Fund (0 F.T.E.). . . . . \$100,000

**SECTION 12.025.** — To the Governor  
 For the Governor's Mansion Preservation Advisory Commission  
 From General Revenue Fund. . . . . \$3,000

**SECTION 12.030.** — To the Governmental Emergency Fund Committee  
 For allocation by the Committee to state agencies that qualify for emergency or supplemental funds under the provisions of Section 33.720, RSMo  
 From General Revenue Fund (0 F.T.E.). . . . . \$1E

**SECTION 12.040.** — To the Lieutenant Governor  
 Personal Service and/or Expense and Equipment including a base salary of \$75,915 for the Lieutenant Governor in accordance with the Missouri Citizens' Commission on Compensation for Elected Officials. . . . . \$416,733  
 Annual salary adjustment in accordance with Section 105.005, RSMo. . . . . 1,164  
 From General Revenue Fund (Not to exceed 8.50 F.T.E.). . . . . \$417,897

**SECTION 12.045.** — To the Secretary of State  
 Personal Service including a base salary of \$94,995 for the Secretary of State in accordance with the Missouri Citizens' Commission on Compensation for Elected Officials. . . . . \$7,395,681  
 Annual salary adjustment in accordance with

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|   |                  |
|---|------------------|
| Section 105.005, RSMo . . . . .                                       | 1,355            |
| Expense and Equipment . . . . .                                       | <u>4,182,945</u> |
| From General Revenue Fund. . . . .                                    | 11,579,981       |
| <br>Personal Service . . . . .  | 500,718          |
| Expense and Equipment . . . . .                                       | <u>227,574</u>   |
| From Federal Funds . . . . .  | 728,292          |
| <br>Personal Service . . . . .  | 77,480           |
| Expense and Equipment . . . . .                                       | <u>2,932,656</u> |
| From Secretary of State's Technology Trust Fund. . . . .              | 3,010,136        |
| <br>Personal Service . . . . .  | 894,247          |
| Expense and Equipment . . . . .                                       | <u>404,682</u>   |
| From Local Records Preservation Fund . . . . .                        | 1,298,929        |
| <br>Expense and Equipment   |                  |
| From Secretary of State - Wolfner State Library Fund . . . . .        | 35,000E          |
| <br>Personal Service . . . . .  | 120,723          |
| Expense and Equipment . . . . .                                       | <u>163,464</u>   |
| From State Institution Gift Trust Fund. . . . .                       | <u>284,187</u>   |
| Total (Not to exceed 295.90 F.T.E.). . . . .                          | \$16,936,525     |
| <br><b>SECTION 12.047.</b> — To the Secretary of State                |                  |
| For historical repository grants                                      |                  |
| From Federal Funds (0 F.T.E.). . . . .                                | \$300,000        |
| <br><b>SECTION 12.050.</b> — To the Secretary of State                |                  |
| For refunds of securities, corporations, uniform commercial code, and |                  |
| miscellaneous collections of the Secretary of State's Office          |                  |
| From General Revenue Fund (0 F.T.E.). . . . .                         | \$100,000E       |
| <br><b>SECTION 12.053.</b> — To the Secretary of State                |                  |
| For election costs associated with absentee ballots                   |                  |
| From General Revenue Fund (0 F.T.E.). . . . .                         | \$120,000        |
| <br><b>SECTION 12.055.</b> — To the Secretary of State                |                  |
| For expenses of initiative referendum and constitutional amendments   |                  |
| From General Revenue Fund (0 F.T.E.). . . . .                         | \$1,000,000E     |
| <br><b>SECTION 12.056.</b> — To the Secretary of State                |                  |
| For preserving legal, historical, and genealogical materials and      |                  |
| making them available to the public, all expenditures                 |                  |
| From State Document Preservation Fund (0 F.T.E.). . . . .             | \$27,515E        |

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**SECTION 12.057.** — To the Secretary of State

For the preservation of nationally significant records at the local level

From Federal Funds. . . . . \$200,000

**SECTION 12.060.** — To the Secretary of State

For local records preservation grants

From Local Records Preservation Fund (0 F.T.E.). . . . . \$600,000

**SECTION 12.070.** — To the Secretary of State

For Aid to Public Libraries

From General Revenue Fund (0 F.T.E.). . . . . \$3,281,871

**SECTION 12.075.** — To the Secretary of State

For the Remote Electronic Access for Libraries Program

From General Revenue Fund (0 F.T.E.). . . . . \$3,325,000

**SECTION 12.080.** — To the Secretary of State

For the Literacy Investment for Tomorrow Program

From General Revenue Fund (0 F.T.E.). . . . . \$69,450

**SECTION 12.085.** — To the Secretary of StateFor all allotments, grants, and contributions from the federal government  
or from any sources that may be deposited in the State

Treasury for the use of the Missouri State Library

From Federal Funds (0 F.T.E.). . . . . \$1,500,000E

**SECTION 12.086.** — To the Secretary of State

For library networking grants

From Library Networking Fund (0 F.T.E.). . . . . \$865,677E

**SECTION 12.087.** — To the Secretary of State

There is transferred out of the State Treasury, chargeable to the

General Revenue Fund, Eight Hundred Sixty-Five Thousand,

Six Hundred Seventy-Seven Dollars (\$865,677) to the

Library Networking Fund as provided in Section 143.183, RSMo

From General Revenue Fund. . . . . \$865,677

**SECTION 12.090.** — To the State Auditor

Personal Service including a base salary of \$94,995 for the State

Auditor in accordance with the Missouri Citizens' Commission

on Compensation for Elected Officials. . . . . \$5,511,228

Annual salary adjustment in accordance with Section 105.005,

RSMo. . . . . 1,355

Expense and Equipment . . . . . 1,301,750

For a pilot audit procurement program

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|  |                |
|--|----------------|
| Personal Service and/or Expense and Equipment. . . . .           | <u>201,620</u> |
| From General Revenue Fund. . . . .                               | 7,015,953      |
| Personal Service. . . . .  | 461,150        |
| Expense and Equipment. . . . .                                   | <u>44,967</u>  |
| From Federal Funds . . . . .                                     | 506,117        |
| Personal Service. . . . .  | 58,594         |
| Expense and Equipment. . . . .                                   | <u>22,580</u>  |
| From Gaming Commission Fund. . . . .                             | 81,174         |
| Personal Service. . . . .  | 37,322         |
| Expense and Equipment. . . . .                                   | <u>2,611</u>   |
| From Conservation Commission Fund. . . . .                       | 39,933         |
| Personal Service   |                |
| From Parks Sales Tax Fund. . . . .                               | 18,640         |
| Personal Service   |                |
| From Soil and Water Sales Tax Fund . . . . .                     | 17,949         |
| Personal Service. . . . .  | 628,414        |
| Expense and Equipment. . . . .                                   | <u>24,678</u>  |
| From State Highways and Transportation Department Fund . . . . . | 653,092        |
| Personal Service. . . . .  | 561,296        |
| Expense and Equipment. . . . .                                   | <u>52,616</u>  |
| From Petition Audit Revolving Trust Fund. . . . .                | <u>613,912</u> |
| Total (Not to exceed 182.45 F.T.E.). . . . .                     | \$8,946,770    |

**SECTION 12.100. — To the State Treasurer**

|  |              |
|--|--------------|
| Personal Service including a base salary of \$94,995 for the State |              |
| Treasurer in accordance with the Missouri Citizens' Commission     |              |
| on Compensation for Elected Officials. . . . .                     | \$1,505,966  |
| Annual salary adjustment in accordance with Section 105.005,       |              |
| RSMo. . . . .  | 1,355        |
| Expense and Equipment . . . . .                                    | 494,050      |
| For contract services. . . . .                                     | <u>3,000</u> |
| From General Revenue Fund. . . . .                                 | 2,004,371    |

|  |          |
|--|----------|
| Personal Service   |          |
| From State Highways and Transportation Department Fund . . . . . | 456,074  |
| Expense and Equipment  |          |
| From Central Check Mailing Service Revolving Fund. . . . .       | 225,000E |

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|                                 |              |
|---------------------------------|--------------|
| Personal Service. . . . .       | 36,022       |
| Expense and Equipment. . . . .  | <u>3,280</u> |
| From Second Injury Fund.. . . . | 39,302       |

|   |          |
|---|----------|
| For Unclaimed Property Division administrative costs including<br>Expense and Equipment for auctions, advertising, and promotions<br>From Abandoned Fund Account. . . . . | 129,701E |
|---|----------|

|  |              |
|--|--------------|
| For preparation and dissemination of information or publications, or for<br>refunding overpayments<br>From Treasurer's Information Fund. . . . . | <u>8,000</u> |
| Total (Not to exceed 53.00 F.T.E.). . . . .  | \$2,862,448  |

**SECTION 12.105.** — To the State Treasurer

|   |            |
|---|------------|
| For issuing duplicate checks or drafts as provided by law<br>From General Revenue Fund (0 F.T.E.).. . . . | \$450,000E |
|---|------------|

**SECTION 12.110.** — To the State Treasurer

|  |              |
|--|--------------|
| For payment of claims for abandoned property transferred by holders to<br>the state in accordance with Section 447.543, RSMo<br>From Abandoned Fund Account (0 F.T.E.).. . . . | \$4,000,000E |
|--|--------------|

**SECTION 12.115.** — To the State Treasurer

|  |            |
|--|------------|
| For transfer of such sums as may be necessary to make payment of claims<br>from the Abandoned Fund Account as required by Section<br>447.543, RSMo<br>From General Revenue Fund. . . . . | \$150,000E |
|--|------------|

**SECTION 12.120.** — To the State Treasurer

|  |          |
|--|----------|
| For refunds of excess interest from the linked deposit program<br>From General Revenue Fund (0 F.T.E.).. . . . | \$4,000E |
|--|----------|

**SECTION 12.125.** — To the State Treasurer

|   |          |
|---|----------|
| For outlawed checks<br>From General Revenue Fund (0 F.T.E.).. . . . | \$5,000E |
|---|----------|

**SECTION 12.130.** — To the State Treasurer

|   |                 |
|---|-----------------|
| There is transferred out of the State Treasury, chargeable to the funds<br>listed below, to the Missouri Investment Trust Fund, contingent<br>upon passage of legislation authorizing conveyance of the<br>following funds to the Trust<br>From Missouri Arts Council Trust Fund. . . . . | \$5,000,000E    |
| From Missouri Humanities Council Trust Fund. . . . .  | 1,000,000E      |
| From Secretary of State Wolfner State Library Fund.. . . .  | <u>375,000E</u> |
| Total. . . . .  | \$6,375,000     |

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**SECTION 12.140.** — To the Attorney General

|  |                  |
|--|------------------|
| Personal Service including a base salary of \$102,794 for<br>the Attorney General in accordance with the Missouri<br>Citizens' Commission on Compensation for Elected Officials. . . . | \$10,063,978     |
| Annual salary adjustment in accordance with Section 105.005,<br>RSMo. . . . .  | 1,433            |
| Expense and Equipment. . . . .   | <u>2,340,803</u> |
| From General Revenue Fund. . . . .   | 12,406,214       |
| Personal Service. . . . .  | 359,243          |
| Expense and Equipment. . . . .   | <u>485,170</u>   |
| From Federal Funds . . . . .   | 844,413          |
| Personal Service. . . . .  | 94,540           |
| Expense and Equipment. . . . .   | <u>30,747</u>    |
| From Gaming Commission Fund. . . . .   | 125,287          |
| Personal Service. . . . .  | 31,782           |
| Expense and Equipment. . . . .   | <u>4,715</u>     |
| From Natural Resources Protection Fund-Water Pollution Permit Fee<br>Subaccount. . . . .   | 36,497           |
| Personal Service. . . . .  | 31,782           |
| Expense and Equipment. . . . .   | <u>5,215</u>     |
| From Solid Waste Management Fund . . . . .   | 36,997           |
| Personal Service<br>From Petroleum Storage Tank Insurance Fund . . . . .   | 21,825           |
| Personal Service. . . . .  | 33,182           |
| Expense and Equipment. . . . .   | <u>11,300</u>    |
| From Motor Vehicle Commission Fund . . . . .   | 44,482           |
| Expense and Equipment<br>From Health Spa Regulatory Fund. . . . .  | 5,000            |
| Personal Service. . . . .  | 31,772           |
| Expense and Equipment. . . . .   | <u>4,715</u>     |
| From Natural Resources Protection Fund-Air Permit Fee Subaccount . . . . .   | 36,487           |
| Expense and Equipment<br>From Attorney General's Court Costs Fund . . . . .  | 187,000          |
| Personal Service. . . . .  | 10,592           |
| Expense and Equipment. . . . .   | <u>2,267</u>     |
| From Soil and Water Sales Tax Fund . . . . .   | 12,859           |

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|   |                |
|---|----------------|
| Personal Service. . . . .   | 345,519        |
| Expense and Equipment. . . . .                                      | <u>430,526</u> |
| From Merchandising Practices Revolving Fund. . . . .                | 776,045        |
| Personal Service. . . . .   | 227,785        |
| Expense and Equipment. . . . .                                      | <u>225,121</u> |
| From Workers' Compensation Fund.. . . .                             | 452,906        |
| Personal Service. . . . .   | 1,509,684      |
| Expense and Equipment. . . . .                                      | <u>518,232</u> |
| From Second Injury Fund.. . . .                                     | 2,027,916      |
| Personal Service  |                |
| From Lottery Enterprise Fund . . . . .                              | 48,173         |
| Personal Service. . . . .   | 322,948        |
| Expense and Equipment. . . . .                                      | <u>254,400</u> |
| From Attorney General's Antitrust Revolving Fund . . . . .          | 577,348        |
| Personal Service. . . . .   | 31,772         |
| Expense and Equipment. . . . .                                      | <u>4,715</u>   |
| From Hazardous Waste Fund.. . . .                                   | 36,487         |
| Personal Service. . . . .   | 10,602         |
| Expense and Equipment. . . . .                                      | <u>2,265</u>   |
| From Safe Drinking Water Fund. . . . .                              | 12,867         |
| Personal Service. . . . .   | 215,634        |
| Expense and Equipment. . . . .                                      | <u>10,165</u>  |
| From Hazardous Waste Remedial Fund . . . . .                        | 225,799        |
| Personal Service. . . . .   | 21,695         |
| Expense and Equipment. . . . .                                      | <u>11,700</u>  |
| From Inmate Incarceration Reimbursement Act Revolving Fund .. . . . | 33,395         |
| Personal Service. . . . .   | 10,592         |
| Expense and Equipment. . . . .                                      | <u>2,262</u>   |
| From Mined Land Reclamation Fund. . . . .                           | <u>12,854</u>  |
| Total (Not to exceed 346.55 F.T.E.). . . . .                        | \$17,960,851   |

**SECTION 12.145. — To the Attorney General**

For law enforcement, domestic violence and victims services

Expense and Equipment

From Federal Funds (0 F.T.E.).. . . . \$100,000

**SECTION 12.147. — To the Attorney General**

For expenses related to Americans with Disabilities Act cases

|  |               |
|--|---------------|
| Personal Service.....                                  | \$56,762      |
| Expense and Equipment.....                             | <u>31,360</u> |
| From General Revenue Fund (Not to exceed 1.50 F.T.E.). | \$88,122      |

**SECTION 12.150.** — To the Attorney General

For a Medicaid fraud unit

|                            |                |
|----------------------------|----------------|
| Personal Service.....      | \$192,769      |
| Expense and Equipment..... | <u>149,113</u> |
| From General Revenue Fund. | 341,882        |

|                                     |                  |
|-------------------------------------|------------------|
| Personal Service.....               | 693,923          |
| Expense and Equipment.....          | <u>809,711</u>   |
| From Federal Funds.....             | <u>1,503,634</u> |
| Total (Not to exceed 23.00 F.T.E.). | \$1,845,516      |

**SECTION 12.155.** — To the Attorney General

For the Missouri Office of Prosecution Services

|                            |                 |
|----------------------------|-----------------|
| Personal Service.....      | \$80,000        |
| Expense and Equipment..... | <u>945,300E</u> |
| From Federal Funds         | 1,025,300       |

|  |                |
|--|----------------|
| Personal Service.....                              | 115,927        |
| Expense and Equipment.....                         | <u>139,844</u> |
| From Missouri Office of Prosecution Services Fund. | 255,771        |

|  |                |
|--|----------------|
| Expense and Equipment  |                |
| From Missouri Office of Prosecution Services Revolving Fund..... | <u>80,000E</u> |
| Total (Not to exceed 4.50 F.T.E.).                               | \$1,361,071    |

**SECTION 12.160.** — To the Attorney General

For participation by the State of Missouri in the National Association  
of Attorneys General

|                                       |          |
|---------------------------------------|----------|
| Expense and Equipment                 |          |
| From General Revenue Fund (0 F.T.E.). | \$39,962 |

**SECTION 12.165.** — To the Attorney General

There is transferred out of the State Treasury, chargeable to the General  
Revenue Fund, One Hundred Eighty Thousand Dollars (\$180,000)  
to the Attorney General's Court Costs Fund

|                            |           |
|----------------------------|-----------|
| From General Revenue Fund. | \$180,000 |
|----------------------------|-----------|

**SECTION 12.170.** — To the Attorney General

There is transferred out of the State Treasury, chargeable to the  
General Revenue Fund, One Hundred Twenty-Five Thousand  
Dollars (\$125,000) to the Attorney General's Antitrust

Revolving Fund  
 From General Revenue Fund. . . . . \$125,000

**SECTION 12.200.** — To the Supreme Court

For the purpose of funding the salaries of the Judges of the Supreme Court pursuant to Article XIII, Section 3 of the Missouri Constitution, an annual salary of \$123,000, to be paid in 12 equal monthly payments, which may be paid in semi-monthly amounts through June 30, 2001 and \$2,500 in additional compensation for the Chief Justice in accordance with Section 477.130, RSMo, shall be added evenly to the periodic payments. . . . . \$863,500

For the purpose of funding Judicial Proceedings and Review  
 Personal Service. . . . . 2,521,992  
 Expense and Equipment. . . . . 1,026,086  
 From General Revenue Fund. . . . . 4,411,578

Expense and Equipment  
 From Supreme Court Publications Revolving Fund. . . . . 80,000  
 Total (Not to exceed 76.00 F.T.E.). . . . . \$4,491,578

**SECTION 12.205.** — To the Supreme Court

For participation by the State of Missouri in the National Center for State Courts  
 From General Revenue Fund (0 F.T.E.). . . . . \$122,312

**SECTION 12.210.** — To the Supreme Court

For the purpose of funding the State Courts Administrator  
 Personal Service. . . . . \$3,380,972  
 Expense and Equipment. . . . . 1,097,291  
 From General Revenue Fund. . . . . 4,478,263

Personal Service. . . . . 43,998  
 Expense and Equipment. . . . . 41,401  
 From Federal Funds . . . . . 85,399

Expense and Equipment  
 From Domestic Relations Resolution Fund. . . . . 500,000  
 Total (Not to exceed 92.25 F.T.E.). . . . . \$5,063,662

**SECTION 12.215.** — To the Supreme Court

For the purpose of funding all grants and contributions of funds from the federal government or from any other source which may be deposited in the State Treasury for the use of the Supreme Court and other state courts  
 Personal Service. . . . . \$1,085,972

|  |                  |
|--|------------------|
| Expense and Equipment.....                           | <u>9,349,210</u> |
| From Federal Funds (Not to exceed 26.00 F.T.E.)..... | \$10,435,182     |

**SECTION 12.220. — To the Supreme Court**

For the purpose of developing and implementing a program of statewide  
court automation

|                                 |                   |
|---------------------------------|-------------------|
| Personal Service.....           | \$3,113,726       |
| Expense and Equipment.....      | <u>11,163,000</u> |
| From General Revenue Fund. .... | 14,276,726        |

|  |                   |
|--|-------------------|
| Personal Service.....  | 1,153,814         |
| Personal Service and/or Expense and Equipment .....  | 200,000           |
| Expense and Equipment.....   | <u>3,333,900E</u> |
| From the Statewide Court Automation Fund, and any grants,<br>contributions, or receipts from the federal government or any<br>other source deposited into the State Treasury for court automation. | <u>4,687,714</u>  |
| Total (Not to exceed 111.25 F.T.E.).....   | \$18,964,440      |

**SECTION 12.225. — To the Supreme Court**

For the Office of State Courts Administrator

For the purpose of conducting pilot projects in permanency planning

|   |           |
|---|-----------|
| Expense and Equipment                     |           |
| From General Revenue Fund (0 F.T.E.)..... | \$134,500 |

**SECTION 12.226. — To the Supreme Court**

For the purpose of funding judicial education and training

|  |                  |
|--|------------------|
| Personal Service.....  | \$605,006        |
| Expense and Equipment.....   | <u>2,502,350</u> |
| From Judicial Education and Training Fund (Not to exceed<br>16.00 F.T.E.)..... | \$3,107,356      |

**SECTION 12.227. — To the Supreme Court**

For the purpose of funding the State Court Administration Revolving Fund

|  |          |
|--|----------|
| Expense and Equipment  |          |
| From State Court Administration Revolving Fund (0 F.T.E.)..... | \$90,000 |

**SECTION 12.230. — To the Supreme Court**

For the purpose of funding the salaries of the Judges of the Western District

Court of Appeals pursuant to Article XIII, Section 3 of the Missouri

Constitution, an annual salary of \$115,000, to be paid in 12 equal

monthly payments, which may be paid in semi-monthly amounts

through June 30, 2001

|                       |             |
|-----------------------|-------------|
| Personal Service..... | \$1,265,000 |
|-----------------------|-------------|

For the purpose of funding the Court of Appeals - Western District

|                       |             |
|-----------------------|-------------|
| Personal Service..... | \$1,673,565 |
|-----------------------|-------------|

---

|   |                |
|---|----------------|
| Expense and Equipment. . . . .                                  | <u>514,133</u> |
| From General Revenue Fund (Not to exceed 54.30 F.T.E.). . . . . | \$3,452,698    |

**SECTION 12.235. — To the Supreme Court**

For the purpose of funding the salaries of the Judges of the Eastern District Court of Appeals pursuant to Article XIII, Section 3 of the Missouri Constitution, an annual salary of \$115,000, to be paid in 12 equal monthly payments, which may be paid in semi-monthly amounts through June 30, 2001

|                           |             |
|---------------------------|-------------|
| Personal Service. . . . . | \$1,610,000 |
|---------------------------|-------------|

For the purpose of funding the Court of Appeals - Eastern District

|                                |                |
|--------------------------------|----------------|
| Personal Service. . . . .      | 2,307,223      |
| Expense and Equipment. . . . . | <u>602,094</u> |

|   |             |
|---|-------------|
| From General Revenue Fund (Not to exceed 77.25 F.T.E.). . . . . | \$4,519,317 |
|---|-------------|

**SECTION 12.240. — To the Supreme Court**

For the purpose of funding the salaries of the Judges of the Southern District Court of Appeals pursuant to Article XIII, Section 3 of the Missouri Constitution, an annual salary of \$115,000, to be paid in 12 equal monthly payments, which may be paid in semi-monthly amounts through June 30, 2001

|                           |           |
|---------------------------|-----------|
| Personal Service. . . . . | \$805,000 |
|---------------------------|-----------|

For the purpose of funding the Court of Appeals - Southern District

|                                |                |
|--------------------------------|----------------|
| Personal Service. . . . .      | 956,019        |
| Expense and Equipment. . . . . | <u>460,056</u> |

|   |             |
|---|-------------|
| From General Revenue Fund (Not to exceed 32.10 F.T.E.). . . . . | \$2,221,075 |
|---|-------------|

**SECTION 12.245. — To the Supreme Court**

For the purpose of funding the salaries of the Judges of the Circuit Court pursuant to Article XIII, Section 3 of the Missouri Constitution, an annual salary of \$108,000, and the judicial branch statutory equivalents to be paid in 12 equal monthly payments which may be paid in semi-monthly amounts through June 30, 2001

|                           |              |
|---------------------------|--------------|
| Personal Service. . . . . | \$14,904,000 |
|---------------------------|--------------|

For the purpose of funding the salaries of the Judges of the Associate Circuit Court pursuant to Article XIII, Section 3 of the Missouri Constitution, an annual salary of \$96,000, and the judicial branch statutory equivalents to be paid in 12 monthly payments which may be paid in semi-monthly amounts through June 30, 2001

|                           |            |
|---------------------------|------------|
| Personal Service. . . . . | 20,256,000 |
|---------------------------|------------|

For the purpose of funding circuit court personnel

|                           |            |
|---------------------------|------------|
| Personal Service. . . . . | 72,157,753 |
|---------------------------|------------|

---

|   |                  |
|---|------------------|
| Personal Service and/or Expense and Equipment ..... | 1,200,000        |
| Expense and Equipment.....                          | <u>1,351,860</u> |
| From General Revenue Fund. ....                     | 109,869,613      |

|                            |                |
|----------------------------|----------------|
| Personal Service.....      | 931,530        |
| Expense and Equipment..... | <u>111,360</u> |
| From Federal Funds .....   | 1,042,890      |

|   |                |
|---|----------------|
| Expense and Equipment                       |                |
| From Central Violations Bureau Fund. ....   | <u>250,000</u> |
| Total (Not to exceed 2,970.20 F.T.E.). .... | \$111,162,503  |

**SECTION 12.250. — To the Supreme Court**

For the purpose of funding the payment of contingent personal service  
and/or expense and equipment of circuit court personnel  
as authorized by Section 476.265, RSMo

|                                 |           |
|---------------------------------|-----------|
| From General Revenue Fund. .... | \$100,000 |
|---------------------------------|-----------|

For the purpose of making payments due from litigants in court  
proceedings under set-off against debts authority as provided  
in Section 488.020(3), RSMo

|                                    |                 |
|------------------------------------|-----------------|
| From Debt Offset Escrow Fund. .... | <u>100,000E</u> |
| Total (0 F.T.E.). ....             | \$200,000       |

**SECTION 12.255. — To the Supreme Court**

For the purpose of funding the payment of court reporters' fees for  
preparation of transcripts as authorized and established by  
Section 485.100, RSMo

|  |           |
|--|-----------|
| From General Revenue Fund (0 F.T.E.). .... | \$226,000 |
|--|-----------|

**SECTION 12.260. — To the Commission on Retirement, Removal, and  
Discipline of Judges**

For the purpose of funding the payment of expenses of the Commission

|   |               |
|---|---------------|
| Personal Service.....                                       | \$167,226     |
| Expense and Equipment.....                                  | <u>65,011</u> |
| From General Revenue Fund (Not to exceed 2.75 F.T.E.). .... | \$232,237     |

**SECTION 12.265. — To the Supreme Court**

For the purpose of funding the expenses of the members of the Appellate  
Judicial Commission and the several circuit judicial commissions  
in circuits having the non-partisan court plan, and for services  
rendered by clerks of the Supreme Court, courts of appeals, and  
clerks in circuits having the non-partisan court plan for giving notice  
of and conducting elections as ordered by the Supreme Court

|                                 |          |
|---------------------------------|----------|
| From General Revenue Fund. .... | \$10,550 |
|---------------------------------|----------|

**SECTION 12.270.** — To the Supreme Court

For the purpose of funding costs associated with appointment of Senior Judges

Personal Service

From General Revenue Fund (Not to exceed 9.00 F.T.E). . . . . \$641,783

**SECTION 12.300.** — To the Office of State Public Defender

For the purpose of funding the State Public Defender System

Personal Service. . . . . \$21,907,692

Expense and Equipment . . . . . 5,745,971

For payment of expenses as provided by Chapter 600, RSMo,

associated with the defense of violent crimes and/or the defense

of cases where a conflict of interest exists. . . . . 2,059,850

From General Revenue Fund. . . . . 29,713,513

For expenses authorized by the Public Defender Commission as provided

by Section 600.090, RSMo

Personal Service. . . . . 56,758

Expense and Equipment. . . . . 757,356

From Legal Defense and Defender Fund . . . . . 814,114

For refunds set-off against debts as required by Section 143.786, RSMo

From Debt Offset Escrow Fund . . . . . 350,000E

For all grants and contributions of funds from the federal government

or from any other source which may be deposited in the State

Treasury for the use of the Office of the State Public Defender

From Federal Funds. . . . . 125,000

Total (Not to exceed 558.13 F.T.E.). . . . . \$31,002,627

**SECTION 12.400.** — To the Senate

For a base annual salary of \$30,536 for members of the Senate in

accordance with the Missouri Citizens' Commission on

Compensation for Elected Officials, \$2,500 in additional

compensation for the President Pro Tem in accordance with

Section 21.140, RSMo, \$1,500 in additional annual

compensation for the Majority Floor Leader and Minority Floor

Leader in accordance with Section 21.140, RSMo. . . . . \$1,043,738

Annual salary adjustment in accordance with Section 105.005, RSMo . 24,140

Mileage of Members . . . . . 56,435

Senate Per Diem. . . . . 226,100

Senate Contingent Expenses . . . . . 10,036,433

Joint Contingent Expenses. . . . . 522,670

Joint Committee on Administrative Rules. . . . . 119,287

Joint Committee on Public Employee Retirement Systems. . . . . 213,147

Joint Committee on Capital Improvements Oversight. . . . . 118,544

Joint Committee on Gaming and Wagering. . . . . 51,610



From General Revenue Fund. . . . . 12,412,104

Senate Contingent Expenses

From Senate Revolving Fund. . . . . 40,000

Total. . . . . \$12,452,104

**SECTION 12.405.** — To the House of Representatives

For a base annual salary of \$30,536 for members of the House in

accordance with the Missouri Citizens' Commission on

Compensation for Elected Officials, \$2,500 in additional

compensation for the Speaker in accordance with Section 21.140,

RSMo, \$1,500 in additional annual compensation for the Speaker

pro tem, the Majority Floor Leader and Minority Floor Leader in

accordance with Section 21.140, RSMo. . . . . \$4,984,438

Annual salary adjustment in accordance with Section 105.005,

RSMo. . . . . 115,730

Mileage of Members . . . . . 342,660

Members' Per Diem. . . . . 1,083,950

House Contingent Expenses

Representatives' Expense Vouchers. . . . . 1,956,000

Leadership Aides and Secretaries . . . . . 5,366,622

House Research Staff . . . . . 960,094

Committee Operations . . . . . 260,298

House Staff. . . . . 5,692,341

House Appropriations Committee Staff. . . . . 453,677

From General Revenue Fund. . . . . 21,215,810

House Contingent Expenses

From House of Representatives Revolving Fund. . . . . 75,000

Total. . . . . \$21,290,810

**SECTION 12.410.** — To the Missouri Commission on Interstate Cooperation

For payment of dues to the Council of State Governments, the

National Conference of State Legislatures, and the National

Conference of Commissioners on Uniform State Laws, and

for the salaries of the secretary and clerks, purchasing supplies,

travel within and without the state, insurance and premiums on

bonds, joint conference costs, and other general expenses

From General Revenue Fund. . . . . \$281,238

**SECTION 12.415.** — To the Committee on Legislative Research - Administration

For payment of expenses of members, salaries and expenses of employees,

and other necessary operating expenses

From General Revenue Fund. . . . . \$1,322,552

**SECTION 12.420.** — To the Committee on Legislative Research

For paper, printing, binding, editing, proofreading, and other necessary expenses of publishing the Supplement to the Revised Statutes of the State of Missouri

|                                   |                |
|-----------------------------------|----------------|
| From General Revenue Fund.....    | \$1,373,223    |
| From Statutory Revision Fund..... | <u>735,590</u> |
| Total.....                        | \$2,108,813    |

**SECTION 12.425.** — To the Committee on Legislative Research - Oversight Division

For payment of expenses of members, salaries, and expenses of employees and other necessary operating expenses

|                                |           |
|--------------------------------|-----------|
| From General Revenue Fund..... | \$905,567 |
|--------------------------------|-----------|

**SECTION 12.430.** — To the Interim Committee of the General Assembly Joint Committee on Correctional Institutions and Problems

|                                |          |
|--------------------------------|----------|
| From General Revenue Fund..... | \$10,000 |
|--------------------------------|----------|

**Bill Totals**

|                           |                     |
|---------------------------|---------------------|
| General Revenue Fund..... | \$257,938,378       |
| Federal Funds.....        | \$18,396,227        |
| Other Funds.....          | <u>\$33,334,313</u> |
| Total.....                | \$309,668,918       |

Approved June 28, 2000

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HB 1113 [SCS HCS HB 1113]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: REAL PROPERTY LEASES, REAL PROPERTY LEASE PURCHASES, RELATED SERVICES, UTILITIES, SYSTEMS FURNITURE, STRUCTURAL MODIFICATIONS FOR NEW FTE, CAPITAL IMPROVEMENTS AND OTHER EXPENSES OF OFFICE OF ADMINISTRATION, AND TO TRANSFER MONEY AMONG CERTAIN FUNDS.**

AN ACT to appropriate money for real property leases, real property lease purchases, related services, utilities, and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and

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programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each Department, Division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2000 and ending June 30, 2001 as follows:

**SECTION 13.005.** — To the Office of Administration

For the Division of Facilities Management

For the Department of Elementary and Secondary Education

For the payment of real property leases, real property lease purchases,  
related services, utilities, and

systems furniture; and structural modifications for new FTE

Expense and Equipment

From General Revenue Fund . . . . . \$374,911

From Federal Funds.. . . . 2,742,283

Total. . . . . \$3,117,194

**SECTION 13.010.** — To the Office of Administration

For the Division of Facilities Management

For the Department of Revenue

For the Missouri State Lottery Commission

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural

modifications for new FTE

Expense and Equipment

From Lottery Enterprise Fund. . . . . \$301,971

**SECTION 13.015.** — To the Office of Administration

For the Division of Facilities Management

For the payment of real property leases, real property lease

purchases, related services, and utilities;

and structural modifications for new FTE for rents

consolidated to the Office of Administration, including payments

for the Department of Higher Education, the Department of

Revenue, the Office of Administration, the Department of

Agriculture, the Department of Insurance, the Department of

Labor and Industrial Relations, the Department of Public Safety,

the Department of Corrections, the Secretary of State, and the

|  |             |
|--|-------------|
| Office of State Courts Administrator                                       |             |
| Expense and Equipment  |             |
| From General Revenue Fund. . . . .   | \$3,062,318 |
| From Federal Funds . . . . .   | 79,429      |
| From State Guaranty Agency Operating Fund. . . . .                         | 118,562     |
| From Department of Revenue Information Fund. . . . .                       | 21,850      |
| From State Highways and Transportation Department Fund . . . . .           | 728,039     |
| From State Facility Maintenance and Operation Fund . . . . .               | 258,637     |
| From Office of Administration Revolving Administrative Trust Fund. . . . . | 219,173     |
| From Children's Trust Fund . . . . .                                       | 17,700      |
| From Manufactured Housing Fund . . . . .                                   | 15,894      |
| From Public Service Commission Fund. . . . .                               | 680,544     |
| From Department of Insurance Dedicated Fund. . . . .                       | 8,099       |
| From Missouri Veterans' Homes Fund . . . . .                               | 11,139      |
| From Local Records Preservation Fund. . . . .                              | 240         |
| Total. . . . .   | \$5,221,624 |

**SECTION 13.017.** — To the Office of Administration

For the Division of Facilities Management

For all expenditures related to rental, real property lease purchases, operation, and/or ownership of the Departments of Natural Resources, Social Services, Health and Mental Health, the Missouri Gaming Commission, and the Division of Probation and Parole buildings. Funds are to be administered by the Division of Facilities Management for capital improvements, personal service, expense and equipment, and/or fuel and utilities

|                                    |             |
|------------------------------------|-------------|
| From General Revenue Fund. . . . . | \$1,994,918 |
| From Federal Funds . . . . .       | 1,291,949   |
| From Other Funds. . . . .          | 454,545     |
| Total. . . . .                     | \$3,741,412 |

**SECTION 13.020.** — There is transferred out of the State Treasury, chargeable to the General Revenue Fund, for the payment of real property leases, real property lease purchases, related services, and utilities; and structural modifications for new FTE for the state office buildings, the following amount to the State Facility Maintenance and Operation Fund

|                                    |           |
|------------------------------------|-----------|
| From General Revenue Fund. . . . . | \$258,637 |
|------------------------------------|-----------|

**SECTION 13.025.** — To the Office of Administration

For the Division of Facilities Management

For the payment of systems furniture; and structural modifications for new FTE for the Department of Elementary and Secondary Education, the Department of Higher Education, the Department of Revenue, the Office of Administration, the Department of Agriculture, the Department of Natural Resources, the

Department of Economic Development, the Department of  
Insurance, the Department of Labor and Industrial Relations, the  
Department of Public Safety, the Department of Corrections,  
the Department of Mental Health, the Department of Health, the  
Department of Social Services, the Secretary of State, the Attorney  
General, the State Treasurer, and the State Auditor  
Expense and Equipment

From Office of Administration Revolving Administrative Trust Fund.. \$1,809,330

**SECTION 13.030.** — To the Office of Administration

For the Division of Facilities Management

For the payment of real property leases, real property lease purchases,  
related services, utilities,  
and systems furniture; and structural modifications for  
new FTE for consolidated multi-tenant leases

Expense and Equipment

From Office of Administration Revolving Administrative Trust Fund . \$16,177,944

**SECTION 13.035.** — To the Office of Administration

For the Division of Facilities Management

For the Missouri Ethics Commission

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural  
modifications for new FTE

Expense and Equipment

From General Revenue Fund. . . . . \$45,168

**SECTION 13.040.** — To the Office of Administration

For the Division of Facilities Management

For the Department of Agriculture

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural  
modifications for new FTE

Expense and Equipment

From General Revenue Fund. . . . . \$21,459

From Grain Inspection Fee Fund . . . . . 99,981

From Milk Inspection Fee Fund. . . . . 13,059

From Petroleum Inspection Fund. . . . . 7,200

Total. . . . . \$141,699

**SECTION 13.045.** — To the Department of Natural Resources

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural  
modifications for new FTE

Expense and Equipment

From General Revenue Fund. . . . . \$607,183

From any funds administered by the Department of Natural  
Resources except General Revenue Fund. . . . . 2,753,469  
Total. . . . . \$3,360,652

**SECTION 13.050.** — To the Office of Administration

For the Division of Facilities Management

For the Department of Economic Development

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural  
modifications for new FTE

Expense and Equipment

From General Revenue Fund. . . . . \$87,458

From Federal Funds . . . . . 2,419,855

From Other Funds. . . . . 458,884

Total. . . . . \$2,966,197

**SECTION 13.055.** — To the Office of Administration

For the Division of Facilities Management

For the Department of Labor and Industrial Relations

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural  
modifications for new FTE

Expense and Equipment

From General Revenue Fund. . . . . \$104,854

From Federal Funds . . . . . 155,000

From Crime Victims' Compensation Fund. . . . . 25,456

From Workers' Compensation Fund. . . . . 336,808

Total. . . . . \$622,118

**SECTION 13.060.** To the Office of Administration

For the Division of Facilities Management

For the Department of Public Safety

For the State Highway Patrol

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural  
modifications for new FTE

Expense and Equipment

From State Highways and Transportation Department Fund. . . . . \$736,433

**SECTION 13.065.** — To the Office of Administration

For the Division of Facilities Management

For the Department of Public Safety

For the Adjutant General

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural  
modifications for new FTE

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Expense and Equipment  
From Federal Funds..... \$660,354

**SECTION 13.070.** — To the Office of Administration

For the Division of Facilities Management

For the Department of Public Safety

For the Gaming Commission

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural  
modifications for new FTE

Expense and Equipment

From Gaming Commission Fund. .... \$206,137

**SECTION 13.075.** — To the Office of Administration

For the Division of Facilities Management

For the Department of Corrections

For the Office of the Director

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural  
modifications for new FTE

Expense and Equipment

From General Revenue Fund. .... \$272,960

**SECTION 13.080.** — To the Office of Administration

For the Division of Facilities Management

For the Department of Corrections

For Missouri Vocational Enterprises

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural  
modifications for new FTE

Expense and Equipment

From Working Capital Revolving Fund. .... \$173,585

**SECTION 13.085.** — To the Office of Administration

For the Division of Facilities Management

For the Department of Corrections

For the Board of Probation and Parole

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural  
modifications for new FTE

Expense and Equipment

From General Revenue Fund. .... \$5,105,816

**SECTION 13.090.** — To the Office of Administration

For the Division of Facilities Management

For the Department of Mental Health

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|   |               |
|---|---------------|
| For the payment of real property leases, real property lease purchases,<br>related services, utilities, and systems furniture; and structural<br>modifications for new FTE<br>Expense and Equipment |               |
| From General Revenue Fund. . . . .  | \$2,407,830   |
| From Federal Funds. . . . .   | <u>82,810</u> |
| Total. . . . .  | \$2,490,640   |

**SECTION 13.095.** To the Office of Administration

For the Division of Facilities Management

For the Department of Health

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural  
modifications for new FTE  
Expense and Equipment

|  |              |
|--|--------------|
| From General Revenue Fund. . . . .                                 | \$1,314,296  |
| From Federal Funds . . . . .                                       | 1,174,593    |
| From Department of Health Donated Fund . . . . .                   | 2,360        |
| From Early Childhood Development, Education and Care Fund. . . . . | 32,300       |
| From Missouri Public Health Services Fund. . . . .                 | <u>2,362</u> |
| Total. . . . .   | \$2,525,911  |

**SECTION 13.100.** — To the Office of Administration

For the Division of Facilities Management

For the Department of Social Services

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural  
modifications for new FTE  
Expense and Equipment

|  |               |
|--|---------------|
| From General Revenue Fund. . . . .                       | \$9,175,157   |
| From Federal Funds . . . . .                             | 6,963,535     |
| From Third Party Liability Collections Fund. . . . .     | 11,628        |
| From Pharmacy Rebates Fund . . . . .                     | 3,876         |
| From Child Support Enforcement Collections Fund. . . . . | 242,680       |
| From Nursing Facility Quality of Care Fund. . . . .      | <u>46,774</u> |
| Total. . . . .   | \$16,443,650  |

**SECTION 13.105.** — To the Office of Administration

For the Division of Facilities Management

For the Attorney General

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural  
modifications for new FTE  
Expense and Equipment

|                                    |           |
|------------------------------------|-----------|
| From General Revenue Fund. . . . . | \$260,578 |
| From Federal Funds . . . . .       | 94,892    |

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|  |               |
|--|---------------|
| From Attorney General's Anti-Trust Fund. . . . .           | 9,499         |
| From Missouri Office of Prosecution Services Fund. . . . . | 6,608         |
| From Merchandising Practices Revolving Fund. . . . .       | 115,784       |
| From Workers' Compensation Fund. . . . .                   | 91,719        |
| From Second Injury Fund. . . . .                           | <u>93,847</u> |
| Total. . . . .   | \$672,927     |

**SECTION 13.110.** — To the Office of Administration

For the Division of Facilities Management

For the State Auditor

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural  
modifications for new FTE

Expense and Equipment

From General Revenue Fund. . . . . \$61,636

**SECTION 13.115.** — To the Office of Administration

For the Division of Facilities Management

For the State Treasurer

For the payment of real property leases, real property lease purchases,  
related services, utilities, and systems furniture; and structural  
modifications for new FTE

Expense and Equipment

From General Revenue Fund. . . . . \$2,940

**SECTION 13.120.** — There is transferred out of the State Treasury,  
chargeable to the funds shown below, for the transfer of funds from  
the leasing budget to the operating budget for modifications or  
systems furniture purchases in state-owned facilities, the following  
amount to the State Facility Maintenance and Operation Fund

From General Revenue Fund. . . . . \$1E

From Federal Funds . . . . . 1E

From Other Funds. . . . . 1E

Total. . . . . \$3E

**SECTION 13.125.** — To the Office of Administration

For the Division of Facilities Management

For renovation, modification and construction costs associated with  
preparing leased facilities for occupation by state agencies

From General Revenue Fund. . . . . \$94,493

From Federal Funds . . . . . 57,789

From Other Funds. . . . . 11,533Total. . . . . \$163,815

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**Bill Totals**

|                           |                     |
|---------------------------|---------------------|
| General Revenue Fund..... | \$25,252,613        |
| Federal Funds.....        | \$17,503,209        |
| Other Funds. ....         | <u>\$24,524,931</u> |
| Total.....                | \$67,280,753        |

Approved June 28, 2000

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**HB 1114 [HCS HB 1114]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: SUPPLEMENTAL PURPOSES.**

AN ACT to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2000.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, chargeable to the fund and for the agency and purpose designated, for the period ending June 30, 2000, as follows:

**SECTION 14.005.** — To the Department of Elementary and Secondary Education  
For the purpose of funding distributions to the free public schools  
under the School Foundation Program as provided in Chapter 163,  
RSMo, as follows: No more than Two Million, Five Hundred  
Thousand Dollars (\$2,500,000) for Early Childhood Development  
From Early Childhood Development, Education and Care Fund . . . . . \$2,500,000

**SECTION 14.010.** — To the Department of Elementary and Secondary Education  
For the purpose of funding the School Food Services Program  
to reimburse schools for breakfasts and lunches  
From Federal Funds. . . . . \$589,395

**SECTION 14.015.** — To the Department of Elementary and Secondary Education  
For the purpose of funding distributions to the public elementary and  
secondary schools in this state, pursuant to Chapters 149  
and 163, RSMo, pertaining to the Fair Share Fund  
From Fair Share Fund. . . . . \$1,276,214 E

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**SECTION 14.020.** — To the Department of Elementary and Secondary Education  
For the purpose of funding distributions to the public elementary  
and secondary schools in this state, pursuant to Chapters 144, 163,  
and 164, RSMo, pertaining to the School District Trust Fund  
From School District Trust Fund..... \$6,543,917 E

**SECTION 14.025.** — To the Department of Elementary and Secondary Education  
For the apportionment to school districts, and state board operated  
school programs for expense and equipment, one-half the  
amount accruing to the General Revenue Fund from the  
County Foreign Insurance Tax  
From General Revenue Fund ..... \$1,102,832

**SECTION 14.030.** — To the Department of Elementary and Secondary Education  
For the purpose of funding courses, exams, and other expenses that  
lead to high school students receiving college credit  
From General Revenue Fund. .... \$563,524

**SECTION 14.035.** — To the Department of Elementary and Secondary Education  
For the purpose of funding the Vocational Rehabilitation Program  
From Federal Funds..... \$1,756,700

**SECTION 14.040.** — To the Department of Elementary and Secondary Education  
For the purpose of funding distributions to providers of Vocational  
Education Programs  
From Federal Funds..... \$3,161,786

**SECTION 14.045.** To the Department of Elementary and Secondary Education  
For the purpose of funding payments to school districts for children  
in residential placements through the Department of Mental  
Health or the Division of Family Services pursuant to  
Section 167.126, RSMo  
From General Revenue Fund. .... \$1,567,190

**SECTION 14.050.** — To the Department of Revenue  
For payment of fees to counties for the filing of lien notices and lien releases  
From General Revenue Fund. .... \$55,000 E

**SECTION 14.055.** — To the Department of Revenue  
For payment of fees to counties as a result of delinquent collections  
made by circuit attorneys or prosecuting attorneys and payment  
of collection agency fees  
From General Revenue Fund. .... \$728,000 E

**SECTION 14.065.** — To the Office of Administration  
For the Missouri Ethics Commission

Expense and Equipment  
From General Revenue Fund . . . . . \$47,300

**SECTION 14.070.** — To the Office of Administration  
For the Missouri Citizen's Commission on Compensation for Elected Officials  
Expense and Equipment  
From General Revenue Fund. . . . . \$25,000

**SECTION 14.075.** — To the Office of Administration  
For grants to public television and public radio stations as provided in  
Section 143.183, RSMo  
From General Revenue Fund. . . . . \$93,315

**SECTION 14.080.** — To the Office of Administration  
For county jury fees as provided in Section 494.455, RSMo  
From General Revenue Fund . . . . . \$390,000

**SECTION 14.085.** — To the Office of Administration  
For costs associated with recovering funds owed to the State of Missouri  
From General Revenue Fund. . . . . \$325,000 E

**SECTION 14.090.** — To the Department of Agriculture  
For the Office of the Director  
Personal Service. . . . . \$56,242  
Expense and Equipment. . . . . 22,254  
From Single Purpose Animal Facilities Loan Program Fund.. . . . \$78,496

**SECTION 14.095.** — To the Department of Economic Development  
For general administration of Community Development Activities  
Personal Service. . . . . \$104,852  
Expense and Equipment. . . . . 124,133  
From General Revenue Fund. . . . . \$228,985

**SECTION 14.100.** — There is transferred out of the Grade Crossing  
Safety Account One Hundred Thousand Dollars (\$100,000)  
to the Railroad Expense Fund  
From Grade Crossing Safety Account. . . . . \$100,000

**SECTION 14.105.** — To the Department of Economic Development  
For the State Board of Nursing  
Expense and Equipment  
From Board of Nursing Fund. . . . . \$200,000

**SECTION 14.110.** — To the Department of Labor and Industrial Relations  
For the Division of Workers' Compensation  
Annual salary adjustment in accordance with Section 105.005, RSMo

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From Workers' Compensation Fund. . . . . \$225,896

Annual salary adjustment in accordance with Section 105.005,  
RSMo

From Crime Victims' Compensation Fund. . . . . 1,245

Total. . . . . \$227,141

**SECTION 14.115.** — To the Department of Public Safety

For the purpose of funding the Office of the Director

Expense and Equipment

From Federal Funds.. . . . \$210,000

**SECTION 14.120.** — To the Department of Public Safety

For the State Highway Patrol

For the purpose of funding the Enforcement Program

Personal Service

From Federal Funds.. . . . \$150,000

**SECTION 14.125.** — To the Department of Public Safety

For the State Highway Patrol

For the purpose of funding Technical Services

Expense and Equipment

From Criminal Justice Network and Technology Revolving Fund.. . . . \$406,140

**SECTION 14.130.** — To the Department of Public Safety

For the State Highway Patrol

All expenditures must be in compliance with the United States Department  
of Justice equitable sharing program guidelines

Expense and Equipment

From Federal Drug Seizure Fund. . . . . \$1,402,986

**SECTION 14.135.** — To the Department of Public Safety

For the State Water Patrol

All expenditures must be in compliance with the United States Department  
of Justice equitable sharing program guidelines

Expense and Equipment

From Federal Drug Seizure Fund. . . . . \$27,562

**SECTION 14.140.** To the Department of Public Safety

For the Division of Highway Safety

For the purpose of funding all allotments, grants, and contributions from  
federal sources that may be deposited in the State Treasury for  
grants of National Highway Safety Act moneys

From Federal Funds.. . . . \$1,000,000

**SECTION 14.145.** — To the Adjutant General

For the purpose of funding Missouri Military Forces Contract Services  
Expense and Equipment  
From Federal Funds. . . . . \$2,150,000

**SECTION 14.150.** — To the Adjutant General

For the purpose of funding the Troupers Training School  
Personal Service. . . . . \$40,541  
Expense and Equipment. . . . . 637,838  
From Federal Funds. . . . . \$678,379

**SECTION 14.155.** — There is transferred out of the State Treasury,  
chargeable to the Health Initiatives Fund, One Million,  
Eighty-Four Thousand, One Hundred Eighty-One Dollars  
(\$1,084,181) to the Health Access Incentive Fund

From Health Initiatives Fund. . . . . \$1,084,181

**SECTION 14.160.** — To the Department of Health

For the Division of Maternal, Child and Family Health  
For the purpose of funding Head Injury community rehabilitation  
and support services  
From General Revenue Fund. . . . . \$138,513

**SECTION 14.165.** — To the Department of Health

For the Division of Nutritional Health and Services  
Personal Service. . . . . \$33,832  
Expense and Equipment. . . . . 17,827  
From Federal Funds. . . . . \$51,659

**SECTION 14.185.** — To the Department of Social Services

For the Division of Family Services  
For the purpose of funding General Relief Program payments  
From General Revenue Fund. . . . . \$1,147,936

**SECTION 14.190.** — To the Department of Social Services

For the Division of Family Services  
For the purpose of funding Blind Pensions and Supplemental payments  
to Blind Persons  
From Blind Pension Fund. . . . . \$304,980 E

**SECTION 14.195.** — To the Department of Social Services

For the Division of Family Services  
For the purpose of funding the Low-Income Home Energy Assistance  
Program  
From Federal Funds. . . . . \$3,237,617

**SECTION 14.200.** — To the Department of Social Services

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For the Division of Family Services  
For the purpose of funding Adoption Subsidy payments and  
related services  
From General Revenue Fund. . . . . \$2,786,146  
From Federal Funds.. . . . 879,836  
Total. . . . . \$3,665,982

**SECTION 14.205.** — To the Department of Social Services

For the Division of Aging  
For the purpose of funding Home and Community Services  
Personal Service . . . . . \$10,120  
Expense and Equipment. . . . . 111,124  
From General Revenue Fund. . . . . \$121,244

**SECTION 14.210.** — To the Department of Social Services

For the Division of Aging  
For the purpose of funding Institutional Services  
Personal Service. . . . . \$195,777  
Expense and Equipment. . . . . 137,430  
From Federal Funds . . . . . 333,207  
  
Personal Service. . . . . 65,259  
Expense and Equipment. . . . . 137,431  
From Nursing Facility Quality of Care Fund.. . . . 202,690  
Total. . . . . \$535,897

**SECTION 14.215.** — To the Secretary of State

Expense and Equipment  
From General Revenue Fund. . . . . \$275,000

**SECTION 14.220.** — To the State Auditor

Personal Service. . . . . \$16,000  
Expense and Equipment. . . . . 11,630  
From General Revenue Fund. . . . . \$27,630

**SECTION 14.225.** — To the State Treasurer

Expense and Equipment  
From Central Check Mailing Service Revolving Fund. . . . . \$125,000 E

**SECTION 14.230.** — To the Attorney General

Expense and Equipment  
From General Revenue Fund. . . . . \$235,000  
  
Personal Service. . . . . 59,153  
Expense and Equipment. . . . . 51,552  
From Attorney General's Antitrust Revolving Fund. . . . . 110,705

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Total..... \$345,705

**SECTION 14.235. — To the Supreme Court**

For circuit court personnel

Personal Service. .... \$815,000

Expense and Equipment. .... 50,000

From General Revenue Fund..... \$865,000

**SECTION 14.240. — To the Supreme Court**

For funding costs associated with appointment of Senior Judges

Personal Service

From General Revenue Fund..... \$75,000

**SECTION 14.245. — To the Governor**

For a base annual salary of \$112,755 for the Governor in accordance  
with the Missouri Citizens' Commission on Compensation for  
Elected Officials and an annual salary adjustment in accordance  
with Section 105.005, RSMo

Personal Service

From General Revenue Fund..... \$5,638

**SECTION 14.250. — To the Lieutenant Governor**

For a base annual salary of \$72,300 for the Lieutenant Governor in  
accordance with the Missouri Citizens' Commission on  
Compensation for Elected Officials and an annual salary  
adjustment in accordance with Section 105.005, RSMo

Personal Service

From General Revenue Fund..... \$7,727

**SECTION 14.255. — To the Secretary of State**

For a base annual salary of \$90,471 for the Secretary of State in  
accordance with the Missouri Citizens' Commission on  
Compensation for Elected Officials and an annual salary  
adjustment in accordance with Section 105.005, RSMo

Personal Service

From General Revenue Fund..... \$4,524

**SECTION 14.260. To the State Auditor**

For a base annual salary of \$90,471 for the State Auditor in  
accordance with the Missouri Citizens' Commission on  
Compensation for Elected Officials and an annual salary  
adjustment in accordance with Section 105.005, RSMo

Personal Service

From General Revenue Fund..... \$4,524

**SECTION 14.265. — To the State Treasurer**

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For a base annual salary of \$90,471 for the State Treasurer in  
accordance with the Missouri Citizens' Commission on  
Compensation for Elected Officials and an annual salary  
adjustment in accordance with Section 105.005, RSMo  
Personal Service  
From General Revenue Fund. . . . . \$4,524

**SECTION 14.270.** — To the Attorney General

For a base annual salary of \$97,899 for the Attorney General in  
accordance with the Missouri Citizens' Commission on  
Compensation for Elected Officials and an annual salary  
adjustment in accordance with Section 105.005, RSMo  
Personal Service  
From General Revenue Fund. . . . . \$4,895

**SECTION 14.275.** — To the Supreme Court

For the purpose of funding Judicial Proceedings and Review  
For a base annual salary of \$120,000 for the judges of the Supreme Court  
in accordance with the Missouri Citizens' Commission on  
Compensation for Elected Officials, and \$2,500 in additional  
compensation for the Chief Justice in accordance with  
Section 477.130, RSMo  
Personal Service  
From General Revenue Fund. . . . . \$39,564

**SECTION 14.280.** — To the Supreme Court

For the purpose of funding the Court of Appeals - Western District  
For a base annual salary of \$112,000 for the judges of the Court of  
Appeals in accordance with the Missouri Citizens' Commission  
on Compensation for Elected Officials  
Personal Service  
From General Revenue Fund. . . . . \$57,233

**SECTION 14.285.** — To the Supreme Court

For the purpose of funding the Court of Appeals - Eastern District  
For a base annual salary of \$112,000 for the judges of the Court of  
Appeals in accordance with the Missouri Citizens' Commission  
on Compensation for Elected Officials  
Personal Service  
From General Revenue Fund. . . . . \$72,842

**SECTION 14.290.** — To the Supreme Court

For the purpose of funding the Court of Appeals - Southern District  
For a base annual salary of \$112,000 for the judges of the Court of  
Appeals in accordance with the Missouri Citizens' Commission  
on Compensation for Elected Officials

## Personal Service

From General Revenue Fund. . . . . \$36,421

**SECTION 14.295.** — To the Supreme Court

For the purpose of funding the salaries of the Judges of the Circuit Court  
pursuant to Article XIII, Section 3 of the Missouri Constitution

For a base annual salary of \$105,000 for the judges of the Circuit  
Court in accordance with the Missouri Citizens' Commission  
on Compensation for Elected Officials

Personal Service. . . . . \$835,314

For the purpose of funding the salaries of the Judges of the Associate

Circuit pursuant to Article XIII, Section 3 of the Missouri Constitution

For a base annual salary of \$93,000 for the judges of the Associate Circuit

Court in accordance with the Missouri Citizens' Commission  
on Compensation for Elected Officials

Personal Service. . . . . 1,176,060

From General Revenue Fund. . . . . \$2,011,374

**SECTION 14.300.** — To the Commission on Retirement, Removal, and  
Discipline of Judges

For the purpose of funding the payment of expenses of the Commission  
for a base annual salary of \$105,000 in accordance with  
the Missouri Citizens' Commission on Compensation for  
Elected Officials

Personal Service

From General Revenue Fund. . . . . \$6,053

**SECTION 14.305.** — To the Senate

For a base annual salary of \$29,082 for members of the Senate in  
accordance with the Missouri Citizens' Commission on  
Compensation for Elected Officials, \$2,500 in additional  
compensation for the President Pro Tem in accordance with  
Section 21.140, RSMo, \$1,500 in additional annual compensation  
for the Majority Floor Leader and Minority Floor Leader in  
accordance with Section 21.140, RSMo, and an annual salary  
adjustment in accordance with Section 105.005, RSMo

From General Revenue Fund. . . . . \$49,439

**SECTION 14.310.** — To the House of Representatives

For a base annual salary of \$29,082 for members of the House in  
accordance with the Missouri Citizens' Commission on  
Compensation for Elected Officials, \$2,500 in additional  
compensation for the Speaker in accordance with Section 21.140,  
RSMo, \$1,500 in additional annual compensation for the

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Speaker Pro Tem, the Majority Floor Leader and Minority Floor  
 Leader in accordance with Section 21.140, RSMo, and an  
 annual salary adjustment in accordance with Section 105.005, RSMo  
 From General Revenue Fund. . . . . \$237,018

**Bill Totals**

General Revenue Fund. . . . . \$13,339,391  
 Federal Funds. . . . . \$15,629,127  
 Other Funds. . . . . \$13,159,464  
 Total. . . . . \$42,127,982

Approved March 2, 2000

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## HB 1120 [CCS SCS HCS HB 1120]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: PLANNING, EXPENSES AND CAPITAL IMPROVEMENTS.**

AN ACT to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, for the agency, program and purpose stated, chargeable to the fund designated, for the fiscal period beginning July 1, 2000 and ending June 30, 2001, as follows:

**SECTION 20.005.** — To the Department of Elementary and Secondary Education

For the design, renovation, construction, and improvements of vocational technical schools. Local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds

For vocational education facilities in Springfield. . . . . \$2,500,000  
 For vocational education facilities in Rolla . . . . . 1,500,000  
 For vocational education facilities in Poplar Bluff. . . . . 750,000  
 For vocational education facilities in Cape Girardeau. . . . . 1,000,000  
 For vocational education facilities in West Plains . . . . . 451,000  
 For vocational education facilities in Clinton . . . . . 332,500  
 For vocational education facilities in Kirksville. . . . . 225,000  
 For vocational education facilities in Bonne Terre. . . . . 91,000

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From General Revenue Fund. . . . . \$6,849,500

**\*SECTION 20.010.** — To the Department of Higher Education

For planning, design, construction, renovation, and improvements for  
community colleges

From General Revenue Fund. . . . . \$75,000

From Lottery Proceeds Fund. . . . . 5,849,819

Total. . . . . \$5,924,819

\*I hereby veto \$75,000 general revenue for planning for a south campus at Mineral Area College. This project was not recommended by the Coordinating Board for Higher Education, nor was it part of my budget recommendations. Such review is essential to ensure state resources are allocated in the most cost-effective manner. The project may be worthy but cannot be reviewed because it has not yet been properly defined in terms of scope of work, timing of construction, or cost. This veto is necessary to ensure a balanced budget.

For planning, design, construction, renovation, and improvements for community colleges by \$75,000 from \$75,000 to \$0 from General Revenue Fund.

From \$5,924,819 to \$5,849,819 in total for the section.

MEL CARNAHAN, Governor

**SECTION 20.011.** — To Mineral Area Community College

For planning, design, and renovation of an off-campus  
Technology Facility

From General Revenue Fund. . . . . \$425,000

**SECTION 20.015.** — To Linn State Technical College

For planning, design, and construction of a Truck Technology Center  
and campus infrastructure

From General Revenue Fund. . . . . \$5,828,681

**SECTION 20.020.** — To Southeast Missouri State University

For planning, design, renovation, and construction for a school of  
visual and performing arts. . . . . \$11,950,000

For planning, design, renovation and construction of classrooms

for Kennett Learning Center. . . . . 150,000

From General Revenue Fund. . . . . \$12,100,000

**SECTION 20.025.** — To Southwest Missouri State University

For planning, design, and renovation of facilities

From General Revenue Fund. . . . . \$7,757,428

**SECTION 20.030.** — To Lincoln University

For planning, design, renovation, and construction of Jason Hall

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|--|--------------|
| and a natatorium   |              |
| From General Revenue Fund. . . . .   | \$3,539,454  |
| <br><b>SECTION 20.035.</b> — To Northwest Missouri State University  |              |
| For planning, design, and renovation of the Olive DeLuce Building  |              |
| From General Revenue Fund. . . . .   | \$14,265,068 |
| <br><b>SECTION 20.040.</b> To Missouri Southern State College  |              |
| For planning, design, and construction of a Health Sciences Building   |              |
| From General Revenue Fund. . . . .   | \$9,360,000  |
| <br><b>SECTION 20.045.</b> — To Missouri Western State College   |              |
| For planning, design, and construction of a Training and Development Center  |              |
| From General Revenue Fund. . . . .   | \$1,000,000  |
| <br><b>SECTION 20.046.</b> — To the University of Missouri   |              |
| For planning, design, and construction for the Thompson Farms Cattle Research Center at Spickard in Grundy County  |              |
| From General Revenue Fund. . . . .   | \$80,000     |
| <br><b>SECTION 20.050.</b> — To Harris-Stowe State College   |              |
| For planning, design, and construction of an Early Childhood/Parent Education Center and renovation of the existing Administration/classroom building elevator |              |
| From General Revenue Fund. . . . .   | \$5,150,087  |
| <br><b>SECTION 20.055.</b> — To the University of Missouri   |              |
| For planning, design, and construction of a Life Sciences Building on the Columbia Campus  |              |
| From General Revenue Fund. . . . .   | \$29,947,000 |
| <br><b>SECTION 20.060.</b> — To the University of Missouri   |              |
| For planning, design, renovation, and construction of the McKee Gymnasium on the Columbia Campus   |              |
| From General Revenue Fund. . . . .   | \$1,000,000  |
| <br><b>SECTION 20.061.</b> — To the University of Missouri   |              |
| For the design and construction of a teleconferencing facility at the Hundley-Whaley agricultural research farm  |              |
| From General Revenue Fund. . . . .   | \$50,000     |
| <br><b>SECTION 20.065.</b> — To the University of Missouri   |              |
| For planning, design, renovation, and improvements for the Mechanical Engineering Building and Annex on the Rolla Campus                                       |              |

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From General Revenue Fund. . . . . \$6,265,000

**SECTION 20.070.** — To the University of Missouri

For planning, design, and construction of a Pharmacy and Nursing  
Building on the Kansas City Campus

From General Revenue Fund. . . . . \$30,490,400

**SECTION 20.075.** — To the University of Missouri

For planning, design, and renovation of Benton-Stadler Halls on the

St. Louis Campus. . . . . \$5,000,000

For continuation of the implementation of the 1993 Master Plan on

the St. Louis Campus. . . . . 1,500,000

From General Revenue Fund. . . . . \$6,500,000

**SECTION 20.076.** — To the City of St. Louis

For the St. Louis Community College at Forest Park

For the planning, design, and construction of a parking  
facility at St. Louis Forest Park Community College  
campus

From General Revenue Fund. . . . . \$360,000

**SECTION 20.080.** — To the Department of Transportation

For port authority capital improvement project grants

From General Revenue Fund. . . . . \$6,099,109

**\*SECTION 20.081.** — To the Department of Transportation

For road, bridge, and intersection improvements on the access  
road north of the Vandalia Correctional Center

From General Revenue Fund. . . . . \$265,405

\*I hereby veto \$265,405 general revenue for road and bridge improvements for an access road north of the Vandalia Correctional Center. The road in question is not part of the state highway system, so needed improvements should be addressed by the local government. The state provides significant funding to cities and counties for road and bridge construction and maintenance projects through the constitutionally mandated distribution of motor fuel taxes. This veto is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$265,405 to \$0 in total from General Revenue Fund.

From \$265,405 to \$0 in total for the section.

MEL CARNAHAN, Governor

**SECTION 20.083.** — To the County of Jackson

For design, construction, restoration, and renovation of the historic

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Truman/Jackson County Court House in Independence. Local  
matching funds must be provided on a 50/50 state/local  
match rate in order to be eligible for state funds  
From General Revenue Fund. . . . . \$1,000,000

**SECTION 20.084.** — To the Office of Administration  
For Public Television Stations statewide pursuant to Sections  
37.205 to 37.250, RSMo  
For the cost of Federal Compliance of transition to digital television  
From General Revenue Fund. . . . . \$500,000

**SECTION 20.085.** — To the Office of Administration  
For a multi-use facility on the Missouri State Fairgrounds for the  
Department of Agriculture and the Adjutant General-Missouri  
National Guard  
From General Revenue Fund. . . . . \$2,700,000

**SECTION 20.086.** — To the Office of Administration  
For the Botanical Garden Subdistrict of St. Louis City and St. Louis County  
For the design, construction and renovation of the Shoenberg  
Administration Building at the Missouri Botanical Garden  
From General Revenue Fund. . . . . \$350,000

**SECTION 20.088.** — To the Department of Natural Resources  
For the Division of State Parks  
For the planning, design and construction of an overlook viewing area  
at Taum Sauk Mountain State Park in Iron County  
From Parks Sales Tax Fund.. . . . \$75,000

**SECTION 20.090.** — To the Department of Public Safety  
For Missouri's contribution toward construction of a World War II  
Memorial in Washington, D.C.  
From General Revenue Fund. . . . . \$438,000

**SECTION 20.093.** — To the Department of Mental Health  
For the planning and design of additional bed expansion at the  
Northwest Missouri Rehabilitation Center at St. Joseph  
From General Revenue Fund. . . . . \$360,000

**SECTION 20.095.** — To the Department of Health  
For planning, design, and land acquisition of a new state public health laboratory  
From General Revenue Fund. . . . . \$2,340,910

**SECTION 20.100.** — To the Office of Administration  
For the Department of Social Services  
For design, construction, improvements and land acquisition

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of a St. Louis youth services facility and land acquisition shall be contiguous with the real property parcel donated by the City of St. Louis and land acquisition shall be bounded by Hamilton Avenue on the east, rear of Kennerly Avenue property on the south, St. Louis Avenue on the north and parallel with the donated property to the west

From General Revenue Fund. . . . . \$370,000

**SECTION 20.103.** — To the Western District Court of Appeals  
For the replacement of carpets and other improvements to the  
appellate court building in Kansas City

From General Revenue Fund. . . . . \$133,517

**SECTION 20.105.** — To the Office of Administration

There is transferred out of the State Treasury, chargeable to the  
Office of Administration Revolving Administrative Trust Fund,  
Two Hundred Sixty-Five Thousand, Four Hundred Five  
Dollars (\$265,405) to the State Road Fund

From Office of Administration Revolving Administrative Trust Fund. . . \$265,405

**Bill Totals**

|                               |                    |
|-------------------------------|--------------------|
| General Revenue Fund. . . . . | \$155,599,559      |
| From Federal Funds. . . . .   | \$0                |
| From Other Funds. . . . .     | <u>\$6,190,224</u> |
| Total. . . . .                | \$161,789,783      |

Approved June 28, 2000

**HB 1121 [SCS HB 1121]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: EXPENSES, GRANTS, DISTRIBUTIONS AND OTHER PURPOSES.**

AN ACT to appropriate money for expenses, grants, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2000 and ending June 30, 2001.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*



There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the agency, program, and purpose stated, chargeable to the fund designated, for the period beginning July 1, 2000 and ending June 30, 2001, the unexpended balances available as of June 30, 2000 but not to exceed the amounts stated herein, as follows:

**SECTION 21.005.** — To the Department of Higher Education  
For the Common Library Platform

Representing expenditures originally authorized under the provisions  
of House Bill Section 3.025, an Act of the 90th General  
Assembly, First Regular Session  
From General Revenue Fund. . . . . \$1,724,687

**SECTION 21.010.** — To the University of Missouri  
For the Missouri Research and Education Network (MOREnet)  
Personal Service and Expense and Equipment

Representing expenditures originally authorized under the provisions  
of House Bill Section 3.150, an Act of the 90th General  
Assembly, First Regular Session  
From General Revenue Fund. . . . . \$7,084,796

**SECTION 21.015.** — To the University of Missouri  
For a program of research into Alzheimer's Disease

Representing expenditures originally authorized under the provisions  
of House Bill Section 3.175, an Act of the 90th General  
Assembly, First Regular Session  
From General Revenue Fund. . . . . \$240,255

**SECTION 21.020.** — To the Department of Transportation  
For the Rail Program

For station repairs and improvements at the Kirkwood Amtrak station  
Representing expenditures originally authorized under the provisions  
of House Bill Section 4.285, an Act of the 90th General  
Assembly, First Regular Session  
From General Revenue Fund. . . . . \$48,501

**SECTION 21.025.** — To the Department of Transportation  
For the Waterways Program

For a grant to the St. Joseph Port Authority for capital  
improvement projects. . . . . \$970,000  
For grants for port authority capital improvement projects. . . . . 206,035  
Representing expenditures originally authorized under the provisions  
of House Bill Section 4.305, an Act of the 90th General  
Assembly, First Regular Session  
From General Revenue Fund. . . . . \$1,176,035

**SECTION 21.030.** — To the Office of Administration

For the Division of Design and Construction

Expense and Equipment

Representing expenditures originally authorized under the provisions  
of House Bill Section 5.045, an Act of the 90th General  
Assembly, First Regular Session

From Office of Administration Revolving Administrative Trust Fund. . . \$525,000

**SECTION 21.035.** — To the Office of Administration

For the Division of Facilities Management

Expense and Equipment

Representing expenditures originally authorized under the provisions  
of House Bill Section 5.105, an Act of the 90th General  
Assembly, First Regular Session

From General Revenue Fund. . . . . \$85,200

**SECTION 21.040.** — To the Office of Administration

For the purpose of funding the Office of Information Technology

Expense and Equipment

Representing expenditures originally authorized under the provisions  
of House Bill Section 5.225, an Act of the 90th General  
Assembly, First Regular Session

From Office of Administration Revolving Administrative Trust Fund. . . \$374,656

**SECTION 21.045.** — To the Office of AdministrationFor payment to counties for salaries of juvenile court personnel as  
provided by Section 211.393.2(4), as enacted in House Bill 971  
(1998) and effective July 1, 1999, and Section 211.394, RSMoRepresenting expenditures originally authorized under the provisions  
of House Bill Section 5.340, an Act of the 90th General  
Assembly, First Regular Session

From General Revenue Fund. . . . . \$373,740

**SECTION 21.050.** — To the Office of Administration

For assistance in Lewis and Clark 2004 bicentennial activities

Representing expenditures originally authorized under the provisions  
of House Bill Section 5.365, an Act of the 90th General  
Assembly, First Regular Session

From General Revenue Fund. . . . . \$98,273

**SECTION 21.052.** — To the Office of AdministrationFor establishment of an intergovernmental network for promoting  
economic developmentRepresenting expenditures originally authorized under the provisions  
of House Bill Section 5.395, an Act of the 90th General  
Assembly, First Regular Session

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From Federal Funds..... \$50,000

**SECTION 21.053.** — To the Office of Administration

For costs associated with recovering funds owed to the State of  
Missouri

Representing expenditures originally authorized under the provisions  
of House Bill Section 1114.085, an Act of the 90th General Assembly,  
Second Regular Session

From General Revenue Fund. .... \$287,510E

**SECTION 21.055.** — To the Department of Agriculture

For agriculture products utilization grants as provided in Section  
348.408, RSMo

Representing expenditures originally authorized under the provisions  
of House Bill Section 6.010, an Act of the 90th General  
Assembly, First Regular Session

From Agricultural Products Utilization Grant Fund. .... \$468,427

**SECTION 21.060.** — To the Department of Natural Resources

For the purpose of funding Agency-Wide Operations  
Expense and Equipment

Representing expenditures originally authorized under the provisions  
of House Bill Section 6.210, an Act of the 90th General  
Assembly, First Regular Session

From General Revenue Fund. .... \$122,032

From Federal and Other Funds. .... 101,277

Total ..... \$223,309

**SECTION 21.065.** — To the Department of Natural Resources

For the Division of State Parks

For matching grants for Landmark Local Parks ..... \$2,374,280

For matching grants for Local Parks..... 1,582,852

Representing expenditures originally authorized under the provisions  
of House Bill Section 6.280, an Act of the 90th General  
Assembly, First Regular Session

From General Revenue Fund. .... \$3,957,132

**SECTION 21.070.** — To the Department of Natural Resources

For the Division of Environmental Quality

For the state's share of construction grants for wastewater treatment facilities

Representing expenditures originally authorized under the provisions  
of House Bill Section 6.340, an Act of the 90th General  
Assembly, First Regular Session

From Water Pollution Control Fund. .... \$3,000,000

**SECTION 21.075.** — There is transferred out of the State Treasury,

chargeable to the Water Pollution Control Fund, Ten Million,  
Six Hundred Thousand Dollars (\$10,600,000) to the Water and  
Wastewater Loan Fund

Representing expenditures originally authorized under the provisions  
of House Bill Section 6.344, an Act of the 90th General  
Assembly, First Regular Session  
From Water Pollution Control Fund. . . . . \$10,600,000

**SECTION 21.080.** — To the Department of Natural Resources

For the Division of Environmental Quality

For loans for wastewater treatment facilities pursuant to Sections  
644.026-644.124, RSMo

Representing expenditures originally authorized under the provisions  
of House Bill Section 6.345, an Act of the 90th General  
Assembly, First Regular Session

From Water and Wastewater Loan Fund and/or Water and Wastewater  
Loan Revolving Fund. . . . . \$60,000,000

**SECTION 21.085.** — To the Department of Natural Resources

For the Division of Environmental Quality

For loans for drinking water systems pursuant to Sections  
644.026-644.124, RSMo

From General Revenue Fund. . . . . \$2,619,000

From Water and Wastewater Loan Fund. . . . . 22,000,000

Representing expenditures originally authorized under the provisions  
of House Bill Section 6.350, an Act of the 90th General  
Assembly, First Regular Session

Total . . . . . \$24,619,000

**SECTION 21.090.** — To the Department of Natural Resources

For the Division of Environment Quality

For the Clean Water Commission

For stormwater control grants or loans

From Water Pollution Control Fund. . . . . \$1,000,000

From Stormwater Control Fund. . . . . 20,000,000

Representing expenditures originally authorized under the provisions  
of House Bill Section 6.355, an Act of the 90th General  
Assembly, First Regular Session

Total . . . . . \$21,000,000

**SECTION 21.095.** — To the Department of Natural Resources

For the Division of Environmental Quality

For soil and water cost-share grants

Representing expenditures originally authorized under the provisions  
of House Bill Section 6.400, an Act of the 90th General  
Assembly, First Regular Session

From Soil and Water Sales Tax Fund. . . . . \$9,930,529

**SECTION 21.100.** — To the Department of Natural Resources

For the Division of Environmental Quality

For a loan interest-share program

Representing expenditures originally authorized under the provisions  
of House Bill Section 6.405, an Act of the 90th General  
Assembly, First Regular Session

From Soil and Water Sales Tax Fund. . . . . \$800,000

**SECTION 21.105.** — To the Department of Natural Resources

For the Division of Environmental Quality

For a special area land treatment program

Representing expenditures originally authorized under the provisions  
of House Bill Section 6.410, an Act of the 90th General  
Assembly, First Regular Session

From Soil and Water Sales Tax Fund. . . . . \$3,696,200

**SECTION 21.110.** — To the Department of Natural Resources

For the Division of Environmental Quality

For grants to colleges and universities for research projects on soil  
erosion and conservation

Representing expenditures originally authorized under the provisions  
of House Bill Section 6.415, an Act of the 90th General  
Assembly, First Regular Session

From Soil and Water Sales Tax Fund. . . . . \$160,000

**SECTION 21.115.** — To the Department of Natural Resources

For the Division of Environmental Quality

For implementing provisions of the Solid Waste Management Law in  
accordance with Sections 260.250, RSMo through 260.345,  
RSMo and Section 260.432, RSMo

From Solid Waste Management Fund. . . . . \$6,152,163

From Solid Waste Management Fund-Scrap Tire Subaccount. . . . . 1,637,000

Representing expenditures originally authorized under the provisions  
of House Bill Section 6.425, an Act of the 90th General  
Assembly, First Regular Session

Total . . . . . \$7,789,163

**SECTION 21.120.** — To the Department of Natural Resources

For the Division of Environmental Quality

For minority and under-represented student scholarships

Representing expenditures originally authorized under the provisions  
of House Bill Section 6.455, an Act of the 90th General  
Assembly, First Regular Session

From General Revenue Fund. . . . . \$27,500

**SECTION 21.125.** — To the Department of Economic Development  
For the Business Extension Service Team Program  
Representing expenditures originally authorized under the provisions  
of House Bill Section 7.030, an Act of the 90th General  
Assembly, First Regular Session  
From Business Extension Service Team Fund..... \$1,455,000

**SECTION 21.130.** — To the Department of Economic Development  
For new and expanding industry training programs and basic  
industry retraining programs  
Representing expenditures originally authorized under the provisions  
of House Bill Section 7.045, an Act of the 90th General  
Assembly, First Regular Session  
From Missouri Job Development Fund. .... \$5,000,000

**SECTION 21.135.** — To the Department of Economic Development  
For Community Development Corporations, job training or retraining activities  
Representing expenditures originally authorized under the provisions  
of House Bill Section 7.055, an Act of the 90th General  
Assembly, First Regular Session  
From General Revenue Fund. .... \$1,200,000

**SECTION 21.140.** — To the Department of Economic Development  
For the Division of Tourism to include coordination of advertising  
of at least \$70,000 for the Missouri State Fair and \$50,000 for  
planning for the Marcelline Project  
Representing expenditures originally authorized under the provisions  
of House Bill Section 7.080, an Act of the 90th General  
Assembly, First Regular Session  
From Division of Tourism Supplemental Revenue Fund.. .... \$5,000,000

**SECTION 21.145.** — To the Department of Economic Development  
For the Public Service Commission  
Expense and Equipment  
Representing expenditures originally authorized under the provisions  
of House Bill Section 7.130, an Act of the 90th General  
Assembly, First Regular Session  
From Public Service Commission Fund.. .... \$620,245

**SECTION 21.150.** To the Department of Labor and Industrial Relations  
For the director and staff  
Expense and Equipment  
Representing expenditures originally authorized under the provisions  
of House Bill Section 7.800, an Act of the 90th General  
Assembly, First Regular Session  
From Crime Victims Compensation Fund . .... \$70,000

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| <b>SECTION 21.152.</b> — To the Department of Public Safety  |                  |
| For the Office of the Director   |                  |
| For the Midwest Methamphetamine Initiative (MO) to support additional law enforcement officers and to train local and state law enforcement officers on the proper recognition, collection, removal and destruction of methamphetamine |                  |
| Representing expenditures originally authorized under the provisions of House Bill Section 1122.020, an Act of the 90th General Assembly, Second Regular Session   |                  |
| From Federal Funds.. . . .   | \$6,000,000      |
| <br><b>SECTION 21.155.</b> — To the Department of Public Safety  |                  |
| For the Missouri Veterans Commission   |                  |
| For matching grants for veterans' memorials, pursuant to Section 313.835, RSMo   |                  |
| Representing expenditures originally authorized under the provisions of House Bill Section 8.175, an Act of the 90th General Assembly, First Regular Session   |                  |
| From Veterans' Commission Capital Improvement Trust Fund. . . . .  | \$2,000,000      |
| <br><b>SECTION 21.160.</b> — To the Department of Corrections  |                  |
| For the Office of the Director   |                  |
| For costs associated with increased inmate population department-wide, including, but not limited to funding for expense and equipment   |                  |
| Representing expenditures originally authorized under the provisions of House Bill Section 9.070, an Act of the 90th General Assembly, First Regular Session   |                  |
| From General Revenue Fund. . . . .   | \$4,424,681      |
| <br><b>SECTION 21.165.</b> — To the Department of Mental Health  |                  |
| For the Office of the Director   |                  |
| For the Office of Information Systems  |                  |
| Expense and Equipment  |                  |
| Representing expenditures originally authorized under the provisions of House Bill Section 10.010, an Act of the 90th General Assembly, First Regular Session  |                  |
| From General Revenue Fund. . . . .   | \$4,683,201      |
| <br><b>SECTION 21.170.</b> — To the Department of Social Services  |                  |
| For the Division of Child Support Enforcement  |                  |
| For contractor and associated costs related to the development of the Missouri Automated Child Support System (MACSS)  |                  |
| From Child Support Enforcement Collections Fund.. . . .  | \$1,479,543      |
| From Federal Funds.. . . .   | <u>3,341,963</u> |
| Representing expenditures originally authorized under the provisions   |                  |

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of House Bill Section 11.070, an Act of the 90th General  
Assembly, First Regular Session  
Total . . . . . \$4,821,506

**SECTION 21.175.** — To the Department of Social Services

For the Division of Medical Services

Expense and Equipment  
From General Revenue Fund. . . . . \$30,000  
From Federal Funds. . . . . 30,000  
Representing expenditures originally authorized under the provisions  
of House Bill Section 11.400, an Act of the 90th General  
Assembly, First Regular Session  
Total . . . . . \$60,000

**SECTION 21.180.** — To the Department of Social Services

For the Division of Medical Services

For dental services under the Medicaid fee-for-service and managed  
care programs

From General Revenue Fund. . . . . \$200,000  
From Federal Funds. . . . . 300,000  
Representing expenditures originally authorized under the provisions  
of House Bill Section 11.435, an Act of the 90th General  
Assembly, First Regular Session  
Total . . . . . \$500,000

**SECTION 21.185.** — To the Department of Social Services

For the Division of Aging

For adult day care health care startup grants

Representing expenditures originally authorized under the provisions  
of House Bill Section 11.630, an Act of the 90th General  
Assembly, First Regular Session  
From General Revenue Fund. . . . . \$242,500

**SECTION 21.190.** — To the Secretary of State

For the Remote Electronic Access for Libraries Program

Representing expenditures originally authorized under the provisions  
of House Bill Section 12.075, an Act of the 90th General  
Assembly, First Regular Session  
From General Revenue Fund. . . . . \$1,289,250

**SECTION 21.195.** — To the Attorney General

Expense and Equipment

Representing expenditures originally authorized under the provisions  
of House Bill Section 1114.230, an Act of the 90th General  
Assembly, Second Regular Session  
From General Revenue Fund. . . . . \$235,000

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**SECTION 21.200.** — To the House of Representatives

House Contingent Expenses

House Staff

Representing expenditures originally authorized under the provisions  
of House Bill Section 12.405, an Act of the 90th General  
Assembly, First Regular Session

From General Revenue Fund. . . . . \$1,500,000

**SECTION 21.210.** — To the Department of Corrections

For the Board of Probation and Parole

For systems furniture

Representing expenditures originally authorized under the provisions  
of House Bill Section 13.080, an Act of the 90th General  
Assembly, First Regular Session

From General Revenue Fund. . . . . \$287,000

**SECTION 21.215.** — To the Department of Social Services

For systems furniture

Expense and Equipment

From General Revenue Fund. . . . . \$519,138

From Federal Funds. . . . . 210,612

From Nursing Facility Quality of Care Fund. . . . . 8,750

Representing expenditures originally authorized under the provisions  
of House Bill Section 13.095, an Act of the 90th General  
Assembly, First Regular Session

Total . . . . . \$738,500

**Bill Totals**

General Revenue Fund. . . . . \$32,455,431

Federal Funds. . . . . \$9,950,998

Other Funds. . . . . \$145,460,367

Total. . . . . \$187,866,796

Approved June 28, 2000

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HB 1122 [SCS HB 1122]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: SUPPLEMENTAL PURPOSES.**

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AN ACT to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2000.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, chargeable to the fund and for the agency and purpose designated, for the period ending June 30, 2000, as follows:

**SECTION 22.010.** — To the Department of Social Services  
For Administrative Services  
For the purpose of funding the Division of Legal Services  
    Personal Service  
From General Revenue Fund. . . . . \$146,074

**SECTION 22.015.** — To the Department of Social Services  
For the Division of Family Services  
For the purpose of funding Adoption Subsidy payments and related services  
From General Revenue Fund. . . . . \$745,864  
From Federal Funds. . . . . 366,101  
Total. . . . . \$1,111,965

**SECTION 22.020.** — To the Department of Public Safety  
For the Office of the Director  
For the Midwest Methamphetamine Initiative (MO) to support  
    additional law enforcement officers and to train local  
    and state law enforcement officers on the proper  
    recognition, collection, removal and destruction of  
    methamphetamine  
From Federal Funds. . . . . \$6,000,000

**Bill Totals**  
General Revenue Fund. . . . . \$891,938  
Federal Funds. . . . . \$6,366,101  
Total. . . . . \$7,258,039

Approved June 16, 2000

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## HB 1077 [HB 1077]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Repeals peripheral zoning for Cameron.**

AN ACT to repeal section 89.142, RSMo Supp. 1999, relating to peripheral zoning for certain cities.

## SECTION

A. Enacting clause.

89.142. Certain cities may adopt zoning ordinance two miles outside city limits, if correctional facility is within two miles and county has not adopted zoning--limitations (city of Cameron).

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 89.142, RSMo Supp. 1999, is repealed.

**[89.142. CERTAIN CITIES MAY ADOPT ZONING ORDINANCE TWO MILES OUTSIDE CITY LIMITS, IF CORRECTIONAL FACILITY IS WITHIN TWO MILES AND COUNTY HAS NOT ADOPTED ZONING--LIMITATIONS (CITY OF CAMERON).** — 1. Any third class city located in more than one county of the third classification, with a population of four thousand but less than ten thousand which has a zoning commission and a board of adjustment, established pursuant to sections 89.010 to 89.140, may, by ordinance, adopt and enforce regulations governing zoning, planning, subdivision and building within all or any portion of any unincorporated area extending two miles outward from the city limits, where there is any correctional facility located within two miles of such city, town or village and the county in which the correctional facility is located has not adopted zoning, planning, subdivision or building ordinances. This section shall not allow such city, town or village to adopt and enforce regulations governing zoning, planning, subdivision and building within the correctional facility grounds or in any way allow the city, town or village to utilize zoning regulations to prevent the department of corrections and human resources from otherwise changing planning and building within the correctional facility grounds. Other provisions of law to the contrary notwithstanding, in those cities, towns or villages subject to the provisions of this section which elect to exercise the option authorized by this section, the presiding commissioner of the county in which the correctional institution is located shall become a full voting member of the planning and zoning commission or other municipal body which will recommend and enforce such regulations.

2. The county district commissioner of the area in which the correctional facility is located shall become a voting member of the city zoning board when such board is voting on ordinances pertaining to the peripheral zoning. The ordinances for the peripheral zone shall not be more, but may be less, restrictive than the ordinances

governing zoning within the corporate limits of the city. If building permits are required by the ordinances, they shall be issued without a fee.]

Approved June 27, 2000

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HB 1082 [SS SCS HB 1082]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Allows federal government to acquire land in this state for reforestation, recreational or agricultural uses only upon statutory approval by General Assembly.**

AN ACT to repeal section 12.010, RSMo 1994, relating to consent of the state to the acquisition of land by the federal government, and to enact in lieu thereof one new section relating to the same subject.

SECTION

A. Enacting clause.

12.010. Consent given United States to acquire land by purchase for certain purposes — exceptions, when.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 12.010, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 12.010, to read as follows:

**12.010. CONSENT GIVEN UNITED STATES TO ACQUIRE LAND BY PURCHASE FOR CERTAIN PURPOSES — EXCEPTIONS, WHEN.** — The consent of the state of Missouri is given in accordance with the seventeenth clause, eighth section of the first article of the Constitution of the United States to the acquisition by the United States by purchase or grant of any land in this state acquired for the purpose of establishing and maintaining post offices, internal revenue and other government offices, hospitals, sanatoriums, fish hatcheries, and land for reforestation, recreational and agricultural uses; **but land acquired by eminent domain or condemnation for the purpose of reforestation, Native American/Indian gaming, recreational or agricultural uses shall only be acquired with statutory authorization of the general assembly.** Land used exclusively for the erection of hospitals by the United States may also be acquired by condemnation.

Approved July 13, 2000

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## HB 1085 [HB 1085]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Exempts mental health residential facilities and day programs accredited by the Council on Accreditation from the licensing requirements of the Department of Health.**

AN ACT to repeal section 630.705, RSMo 1994, relating to standards for mental health facilities, and to enact in lieu thereof one new section relating to the same subject.

SECTION

A. Enacting clause.

630.705. Rules for standards for facilities and programs for persons affected by mental disorder, mental illness, mental retardation or developmental disability — classification of facilities and programs — certain facilities and programs not to be licensed.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 630.705, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 630.705, to read as follows:

**630.705. RULES FOR STANDARDS FOR FACILITIES AND PROGRAMS FOR PERSONS AFFECTED BY MENTAL DISORDER, MENTAL ILLNESS, MENTAL RETARDATION OR DEVELOPMENTAL DISABILITY — CLASSIFICATION OF FACILITIES AND PROGRAMS — CERTAIN FACILITIES AND PROGRAMS NOT TO BE LICENSED.** — 1. The department shall promulgate rules setting forth reasonable standards for residential facilities and day programs for persons who are affected by a mental disorder, mental illness, mental retardation or developmental disability.

2. The rules shall provide for the facilities and programs to be reasonably classified as to resident or client population, size, type of services or other reasonable classification. The department shall design the rules to promote and regulate safe, humane and adequate facilities and programs for the care, treatment, habilitation and rehabilitation of persons described in subsection 1 of this section.

3. The following residential facilities and day programs shall not be licensed by the department:

(1) Any facility or program which relies solely upon the use of prayer or spiritual healing;

(2) Any educational, special educational or vocational program operated, certified or approved by the state board of education [under] **pursuant to** chapters 161, 162 and 178, RSMo, and regulations promulgated by the board;

(3) Any hospital, facility, program or entity operated by this state or the United States; except that facilities operated by the department shall meet these standards;

(4) Any hospital, facility or other entity, excluding those with persons who are mentally retarded and developmentally disabled as defined in section 630.005 otherwise licensed by the state and operating under such license and within the limits of such license, unless the majority of the persons served receive activities and services normally provided by a licensed facility [under] **pursuant to** this chapter;

(5) Any hospital licensed by the department of social services as a psychiatric hospital [under] **pursuant to** chapter 197, RSMo;

(6) Any facility or program accredited by the Joint Commission on Accreditation of Hospitals, the American Osteopathic Association, Accreditation Council for Services for Mentally Retarded or other Developmentally Disabled Persons, **Council on Accreditation of Services for Children and Families, Inc.**, or the Commission on Accreditation of Rehabilitation Facilities;

(7) Any facility or program caring for less than four persons whose care is not funded by the department.

Approved June 27, 2000

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## HB 1097 [SCS HB 1097]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Revises civil liability for trespass.**

AN ACT to repeal section 537.340, RSMo 1994, relating to trespass, and to enact in lieu thereof two new sections relating to the same subject.

#### SECTION

A. Enacting clause.

258.110. Limited liability for persons owning land adjoining streams or rivers, when.

537.340. Trespass on realty — treble damages recoverable, when.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 537.340, RSMo 1994, is repealed and two new sections enacted in lieu thereof, to be known as sections 258.110 and 537.340, to read as follows:

**258.110. LIMITED LIABILITY FOR PERSONS OWNING LAND ADJOINING STREAMS OR RIVERS, WHEN. — 1. Any person owning land adjoining navigable or nonnavigable free-flowing stream or river shall be immune from civil liability for injuries to person or property of persons trespassing or entering on such person's land without implied or expressed permission, invitation, or consent where:**

**(1) The person who was injured entered the land by way of the stream or river; and**

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(2) Such person was subsequently injured on lands adjoining the stream or river.

2. The immunity created by this section does not apply if the injuries were caused by:

(1) The intentional or unlawful act of the owner or possessor of such land; or

(2) The negligent, willful or wanton act of the owner or possessor of such land.

**537.340. TRESPASS ON REALTY — TREBLE DAMAGES RECOVERABLE, WHEN. —** If any person shall cut down, injure or destroy or carry away any tree placed or growing for use, shade or ornament, or any timber, rails or wood standing, being or growing on the land of any other person, **including any governmental entity**, or shall dig up, quarry or carry away any stones, ore or mineral, gravel, clay or mold, or any ice or other substance or material being a part of the realty, or any roots, fruits or plants, or cut down or carry away grass, grain, corn, flax or hemp in which [he] **such person** has no interest or right, standing, lying or being on land not [his] **such person's** own, or shall knowingly break the glass or any part of it in any building not [his] **such person's** own, the person so offending shall pay to the party injured treble the value of the things so injured, broken, destroyed or carried away, with costs. **Any person filing a claim for damages pursuant to this section need not prove negligence or intent.**

Approved June 27, 2000

HB 1142 [CCS SCS HCS HB 1142]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Repeals \$100 permit fee for oversized loads of farmers.**

AN ACT to repeal sections 407.850 and 407.870, RSMo 1994, and sections 301.010, 304.170 and 304.200, RSMo Supp. 1999, relating to the regulation of farm equipment, and to enact in lieu thereof six new sections relating to the same subject.

#### SECTION

A. Enacting clause.

301.010. Definitions.

304.170. Regulations as to width, height and length of vehicles — exceptions.

304.200. Special permits for oversize or overweight loads — rules for issuing — when valid.

407.850. Definitions.

407.870. Inventory which does not qualify for repurchase.

1. Commodities defined.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 407.850 and 407.870, RSMo 1994, and sections 301.010, 304.170 and 304.200, RSMo Supp. 1999, are repealed and six new sections enacted in lieu thereof, to be known as sections 301.010, 304.170, 304.200, 407.850, 407.870 and 1, to read as follows:

**301.010. DEFINITIONS.** — As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control;

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

(3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

(5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(10) "Director" or "director of revenue", the director of the department of revenue;

(11) "Driveaway operation", the movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(12) "**Dromedary**", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary

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**may carry part of a load when operating independently or in combination with a semitrailer;**

(13) "Farm tractor", a tractor used exclusively for agricultural purposes;

[(13)] (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

[(14)] (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

[(15)] (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

[(16)] (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

[(17)] (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

[(18)] (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

[(19)] (20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

[(20)] (21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

[(21)] (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

[(22)] (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

[(23)] (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of twenty-five miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

[(24)] (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

[(25)] (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a fifty-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, does not have more than four axles and does not pull a trailer which has more than two axles. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

[(26)] (27) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

[(27)] (28) "Log truck", a vehicle which is not a local log truck and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

[(28)] (29) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

[(29)] (30) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

[(30)] (31) "Mobile scrap processor", a business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling;

[(31)] (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

[(32)] (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

[(33)] (34) "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

[(34)] (35) "Motorcycle", a motor vehicle operated on two wheels;

[(35)] (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower,

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and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

[(36)] (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

[(37)] (38) "Municipality", any city, town or village, whether incorporated or not;

[(38)] (39) "Nonresident", a resident of a state or country other than the state of Missouri;

[(39)] (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

[(40)] (41) "Operator", any person who operates or drives a motor vehicle;

[(41)] (42) "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law;

[(42)] (43) "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

[(43)] (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

[(44)] (45) "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

[(45)] (46) "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

[(46)] (47) "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

[(47)] (48) "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a double saddlemount

combination. When three vehicles are towed in this manner, the combination is called a triple saddlemount combination;

[(48)] (49) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

[(49)] (50) "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it, or by an insurance company as a result of settlement of a claim for loss due to damage or theft; or a vehicle, ownership of which is evidenced by a salvage title; or abandoned property which is titled pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words "salvage/abandoned property";

[(50)] (51) "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

[(51)] (52) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

[(52)] (53) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

[(53)] (54) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

[(54)] (55) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

[(55)] (56) "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

[(56)] (57) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

[(57)] (58) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled

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vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010, RSMo;

[(58)] **(59)** "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

[(59)] **(60)** "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional "A dolly" connected truck-tractor semitrailer-trailer combination;

[(60)] **(61)** "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

[(61)] **(62)** "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

[(62)] **(63)** "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

[(63)] **(64)** "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

[(64)] **(65)** "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

[(65)] **(66)** "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

**304.170. REGULATIONS AS TO WIDTH, HEIGHT AND LENGTH OF VEHICLES — EXCEPTIONS.** — 1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of ninety-six inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation; except that, vehicles having a width, including load, not in excess of one hundred two inches, exclusive of clearance lights, rearview mirrors or other accessories required by law or regulations, may be operated on the interstate highways and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Provided however, a recreational vehicle as defined in section 700.010, RSMo, may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

2. No vehicle operated upon the interstate highway system or upon any route designated by the chief engineer of the state transportation department shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.

3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.

4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more than one foot in the front and one foot in the rear. The term "safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact.

5. No combination of truck-tractor and semitrailer **or truck-tractor equipped with dromedary and semitrailer** operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor and semitrailer **or truck-tractor equipped with dromedary and semitrailer** operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer **or truck-tractor equipped with dromedary and semitrailer**, the length of [which] **such semitrailer** shall not exceed fifty-three feet.

6. In order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor, semitrailer and trailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall exceed twenty-eight feet in length, except that any

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existing semitrailer or trailer up to twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982, within a sixty-five foot overall length limit in any state, may continue to be operated upon the interstate highways of this state. On those primary highways not designated by the state highways and transportation commission as provided in subsection 10 of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the state highways and transportation commission may designate additional routes for such sixty-five foot combinations.

7. Automobile transporters, boat transporters [and] truck-trailer boat transporter combinations [having a length not in excess of sixty-five feet and], stinger-steered combination automobile transporters and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered combinations shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang.

8. Driveaway saddlemount combinations having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Saddlemount combinations must comply with the safety requirements of Section 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three saddlemounted vehicles and one fullmount.

9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the interstate and designated primary highway system of this state shall have a semitrailer length in excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and lawful operation in any state on December 1, 1982, operating in a truck-tractor semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailer of a truck-tractor semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer.

10. The highways and transportation commission is authorized to designate routes on the state highway system other than the interstate system over which those combinations of vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9 of this section may be operated. Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8 and 9 of this section may be operated at a distance not to exceed ten miles from the interstate system and such routes as designated under the provisions of this subsection.

11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section, no other combination of vehicles operated upon the primary or interstate highways of this state plus a distance of ten miles from a primary or interstate highway shall have an overall length, unladen or with load, in excess of sixty-five feet or in excess of fifty-five feet

on any other highway, except the state highways and transportation commission may designate additional routes for use by sixty-five foot combinations, seventy-five foot stinger-steered combinations or seventy-five foot saddlemount combinations. Any vehicle or combination of vehicles transporting automobiles, boats or other motor vehicles may carry a load which extends no more than three feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of vehicles.

12. (1) Except as hereinafter provided, these restrictions shall not apply to agricultural implements operating occasionally on the highways for short distances, or to self-propelled hay-hauling equipment or to implements of husbandry, **or to the movement of farm products as defined in section 400.9-109, RSMo**, or to vehicles temporarily transporting agricultural implements or implements of husbandry or roadmaking machinery, or road materials or towing for repair purposes vehicles that have become disabled upon the highways; or to implement dealers delivering or moving farm machinery for repairs on any state highway other than the interstate system.

(2) Implements of husbandry and vehicles transporting such machinery or equipment **and the movement of farm products as defined in section 400.9.109, RSMo**, may be operated occasionally for short distances on state highways when operated between the hours of sunrise and sunset by a driver licensed as an operator or chauffeur.

13. As used in this chapter the term "implements of husbandry" means all self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application of commercial plant food materials or agricultural chemicals, and not specifically designed or intended for transportation of such chemicals and materials. No implement of husbandry may exceed a width of eleven feet, six inches.

14. The purpose of this section is to permit a single trip per day by the implement of husbandry from the source of supply to a given farm.

15. Sludge disposal units may be operated on all state highways other than the interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may be equipped with over-width tires. Such units shall observe all axle weight limits. The chief engineer of the state transportation department shall issue special permits for the movement of such disposal units and may by such permits restrict the movements to specified routes, days and hours.

**304.200. SPECIAL PERMITS FOR OVERSIZE OR OVERWEIGHT LOADS — RULES FOR ISSUING — WHEN VALID. —** 1. The chief engineer of the state department of transportation, for good cause shown and when the public safety or public interest so justifies, shall issue special permits for vehicles or equipment exceeding the limitations on width, length, height and weight herein specified, or which are unable to maintain minimum speed limits. Such permits shall be issued only for a single trip or for a definite period, not beyond the date of expiration of the vehicle registration, and shall designate the highways and bridges which may be used [under] **pursuant to** the authority of such permit.

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2. The chief engineer of the state department of transportation shall upon proper application **and at no charge** issue a special permit to any person allowing the movement on state and federal highways of farm products **between sunset and sunrise** not in excess of fourteen feet in width. Special permits allowing movement of oversize loads of farm products shall allow for movement between sunset and sunrise, subject to appropriate requirements for safety lighting on the load, appropriate limits on load dimensions and appropriate consideration of high traffic density between sunset and sunrise on the route to be traveled. The chief engineer may also issue upon proper application a special permit to any person allowing the movement on the state and federal highways of vehicles hauling lumber products and earth moving equipment not in excess of fourteen feet in width. **For the purposes of this section, "farm products" shall have the same meaning as provided in section 400.9-109, RSMo.**

3. Rules and regulations for the issuance of special permits shall be prescribed by the state highways and transportation commission and filed with the secretary of state. No rule or portion of a rule promulgated [under] **pursuant to** the authority of section 304.010 and this section shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] **chapter 536, RSMo.**

4. The officer in charge of the maintenance of the streets of any municipality may issue such permits for the use of the streets by such vehicles within the limits of such municipalities.

5. In order to transport manufactured homes, as defined in section 700.010, RSMo, on the roads, highways, bridges and other thoroughfares within this state, only the applicable permits required by this section shall be obtained.

**407.850. DEFINITIONS.** — As used in sections 407.850 to 407.885, the following terms mean:

(1) "Current model", a model listed in the wholesaler's, manufacturer's or distributor's current sales manual or any supplements thereto;

(2) "Current net price", the price listed in the wholesaler's, manufacturer's or distributor's price list or catalogue in effect at the time the contract is canceled or discontinued, less any applicable trade and cash discounts;

(3) "Inventory", farm implements, machinery, attachments and repair parts;

(4) "Net cost", the price the retailer actually paid for the merchandise to the wholesaler, manufacturer or distributor, plus freight from the wholesaler's, manufacturer's or distributor's location to the dealer's location;

(5) "Retailer", any person, firm or corporation engaged in the business of selling, **repairing** and retailing:

(a) Farm implements, machinery, attachments or repair parts[.];

(b) **Industrial, maintenance and construction power equipment; or**

(c) **Outdoor power equipment used for lawn, garden, golf course, landscaping or grounds maintenance;**

but shall not include retailers of petroleum and motor vehicles and related automotive care and replacement products normally sold by such retailers [and shall not include retailers of lawn and garden equipment not primarily engaged in the farm equipment business].

**407.870. INVENTORY WHICH DOES NOT QUALIFY FOR REPURCHASE.** — The provisions of sections 407.850 to 407.885 shall not require the repurchase from a retailer of:

(1) [Any repair part which has a limited storage life or is otherwise subject to deterioration, such as rubber items, gaskets or batteries;

(2) Any repair part which is in a broken or damaged package;

(3) Any single repair part which is priced as a set of two or more items;

(4)] Any repair part which because of its condition is not resalable as a new part without repackaging or reconditioning;

[(5)] (2) Any inventory for which the retailer is unable to furnish evidence, satisfactory to the wholesaler, manufacturer or distributor, of title, free and clear of all claims, liens and encumbrances;

[(6)] (3) Any inventory which the retailer desires to keep, provided the retailer has a contractual right to do so;

[(7)] (4) Any implements, machinery, and attachments which are not in new, unused, undamaged, or complete condition;

[(8)] (5) Any repair parts which are not in new, unused, or undamaged condition;

[(9)] (6) Any implements, machinery or attachments which were purchased twenty-four months or more prior to notice of termination of the contract;

[(10)] (7) Any inventory which was ordered by the retailer on or after the date of notification of termination of the contract;

[(11)] (8) Any inventory which was acquired by the retailer from any source other than the wholesaler, manufacturer or distributor or transferee of such wholesaler, manufacturer or distributor.

**SECTION 1. COMMODITIES DEFINED.** — **Soy diesel, soy oil products and ethanol shall be considered commodities for purposes of section 34.070, RSMo.**

Approved June 27, 2000

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HB 1185 [SCS HB 1185]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes conveyance of certain Lincoln University property to Jefferson City and a small part of the property of the Mexico Veterans Home.**

AN ACT to authorize the conveyance of certain state property to the City of Jefferson and the Optimist Club Foundation of Mexico Missouri, Inc.

SECTION

1. Authorizes the conveyance of certain state property to Jefferson City.
  2. Authorizes the conveyance of certain state property to the Optimist Club Foundation of Mexico Missouri, Inc.
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3. Conveyance by Optimist Club Foundation of Mexico Missouri, Inc. subject to restrictions — reversion clause.
4. Attorney general to approve conveyance instrument.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION 1. AUTHORIZES THE CONVEYANCE OF CERTAIN STATE PROPERTY TO JEFFERSON CITY. — 1. The governor is hereby authorized and empowered to give, grant, bargain and convey to the City of Jefferson, Missouri, property used for the street right-of-way, utilities and sanitary lift station purposes. The property to be conveyed to the City of Jefferson, Missouri, by the state of Missouri is more particularly described as follows:**

**Part of the Southeast Quarter of Section 30, Township 44 North, Range 11 West, in the City of Jefferson, County of Cole, Missouri; being more particularly described as follows: BEGINNING at the northeast corner of the Southeast Quarter of said Section 30; thence south along the east line of said Southeast Quarter, 625 feet; thence west and parallel to the north line of said Southeast Quarter, to a point 30 feet west of the said east line of said Southeast Quarter, as measured perpendicular thereto; thence north on a line parallel to and 30 feet west of said east line of said Southeast Quarter, 625 feet to the north line of said Southeast Quarter; thence east along the north line of said Southeast Quarter to the POINT OF BEGINNING.**

**Containing in all, .043 acres.**

**2. The attorney general shall approve the form of the instrument of conveyance.**

**SECTION 2. AUTHORIZES THE CONVEYANCE OF CERTAIN STATE PROPERTY TO THE OPTIMIST CLUB FOUNDATION OF MEXICO MISSOURI, INC. — The governor is hereby authorized to remise, release and forever quit claim the following described property to the Optimist Club Foundation of Mexico Missouri, Inc. The property currently utilized by the Missouri Veterans Home to be conveyed is more particularly described as follows:**

**A tract of land lying, being and situated in the County of Audrain and State of Missouri to-wit:**

**A 3.282 acres tract of land being part of the southwest quarter of Section 24, Township 51 North, Range 9 West; also being a part of the tract of land described in the Warranty Deed recorded in Book 244, Page 261 at the Audrain County, Missouri Recorder's Office; and also being a part of the 6.161 acres tract of land shown in the survey by Robert L. James recorded in Book 237, Page 830 at the Audrain County, Missouri Recorder's Office; and being more particularly described as follows:**

**Beginning at the southwest corner of the northwest quarter of the southwest quarter of said Section 24; thence with the section line, N 0° 05'E, 30.00 feet to**

a point in the north line of Vine Street; thence with said north line extended eastward, N 89° 26'E, 120.00 feet to a point; thence N 0° 05'E, 240.00 feet to a point in the eastward extension of the south line of Orange Street; thence with said south line, S 89° 26'W, 80.00 feet to a point; thence N 0° 05'E, 54.00 feet to a point; thence N 89° 26'E, 399.54 feet, more or less, to a point, said point being in the east line of the said 6.161 acres in the said survey by Robert L. James; thence S 0° 15'W, 395.45 feet, more or less, to a point, said point being the northeast corner of the tract of land described in the Quit Claim Deed recorded in Book 282, Page 903 at the Audrain County, Missouri Recorder's Office; thence S 89° 16'W, 438.88 feet to a point in the west line of said Section 24; thence with said west line N 0° 21'E, 72.72 feet to the point of beginning, subject to existing easements and restrictions.

**SECTION 3. CONVEYANCE BY OPTIMIST CLUB FOUNDATION OF MEXICO MISSOURI, INC., SUBJECT TO RESTRICTIONS — REVERSION CLAUSE. —** Consideration for the conveyance shall be as negotiated by the parties. The instrument of conveyance shall reserve a reversionary interest in the state of Missouri if the Optimist Club Foundation of Mexico, Missouri, Inc. ceases to use the property described in section 2 of this act. In addition, the instrument of the conveyance shall contain such other restrictions, reversionary clauses, and conditions as are deemed necessary to protect the interest of the state.

**SECTION 4. ATTORNEY GENERAL TO APPROVE CONVEYANCE INSTRUMENT. —** The attorney general shall approve as to form the instrument of conveyance.

Approved June 27, 2000

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HB 1186 [HB 1186]

**EXPLANATION —** Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes Governor to convey certain property in Cole County which is part of Church Farm Correctional Facility.**

AN ACT to authorize the governor to convey certain property in Cole County which is part of the correctional facility known as the Church Farm.

**SECTION**

1. Authority for conveyance of Cole County property known as Church Farm — description of property — terms of sale — use of proceeds — attorney general to approve instrument of conveyance.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

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**SECTION 1. AUTHORITY FOR CONVEYANCE OF COLE COUNTY PROPERTY KNOWN AS CHURCH FARM — DESCRIPTION OF PROPERTY — TERMS OF SALE — USE OF PROCEEDS — ATTORNEY GENERAL TO APPROVE INSTRUMENT OF CONVEYANCE.**

**— 1. The governor is hereby authorized and empowered to sell, transfer, grant and convey all interest in fee simple absolute in property owned by the state in Cole County which is part of the correctional facility known as the Church Farm to any person at a public offering as provided in subsection 2 of this section. The property hereby authorized to be conveyed by the governor shall be more particularly described by a survey. Such survey shall be authorized by the division of design and construction of the office of administration pursuant to this section. For the purposes of this section, the property to be conveyed, known as the Church Farm Bottoms, is a tract of land in Cole County (approximately eleven hundred acres) lying between the Union Pacific Railroad Lines to the south and the Missouri River to the north. An additional portion of the Church Farm is to be conveyed, it being a triangular parcel of land in Cole County (approximately eighteen acres) lying south of Wade Road.**

**2. The division of design and construction of the office of administration shall authorize an independent appraisal or appraisals. The commissioner of administration shall set the terms and conditions for the public sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required; the time, place and terms of the sale; whether or not a minimum bid shall be required; and whether or not to contract for the services of a public auctioneer to market the property. The auctioneer, if any, may receive the usual and customary fee. All costs and fees, directly related to such sale, shall be paid from the proceeds of such sale. All proceeds received for such sale, in excess of the costs, shall be used to assist in the funding of the construction or repair or maintenance of state correctional facilities.**

**3. The attorney general shall approve the form of the instrument of conveyance.**

Approved June 27, 2000

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HB 1238 [CCS SCS HS HB 1238]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Modifies law concerning property use, taxation, and disposition.**

AN ACT to repeal sections 64.342, 67.1062, 67.1063, 71.014, 135.355, 140.160, 141.220, 141.540, 141.610 and 353.020, RSMo 1994, sections 67.410, 67.1401, 67.1461, 72.424, 82.300, 92.031, 135.481, 139.053, 140.110, 144.757, 144.759, 144.761, 249.470 and 260.210, RSMo Supp. 1999, and both versions of section 141.550 as they appear in RSMo Supp. 1999, relating to the use and improvement

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of property, and to enact in lieu thereof forty new sections relating to the same subject, with an emergency clause for certain sections and a termination date for a certain section.

## SECTION

- A. Enacting clause.
  - 64.337. County commission authorized to appoint and set compensation of park rangers — rangers, certification by department of public safety required, powers and duties (Clay County).
  - 64.342. Park concession stands or marinas, county-operated, funds go to county park fund (Clay County).
  - 67.410. Provisions required in ordinance.
  - 67.478. Title.
  - 67.481. Definitions.
  - 67.484. St. Louis County authorized to form community comeback trust, purposes, formation — board, composition, nomination, powers, duties, restrictions — funding, local sales tax, bond issuance, validity, payment.
  - 67.487. Community comeback plan, notification, development, distribution, annual revision and adoption — reports and audits required — advisory committee to be established by the board.
  - 67.490. Petitions, contents, review, criteria, approval by board as proposal, public hearing — procedure if funds sought, additional review, findings by board required when — select neighborhood action program, eligible projects.
  - 67.493. Funds, minimum to be used for SNAP grant program and priority comeback projects, other uses.
  - 67.1062. Definitions.
  - 67.1063. Governing body of county may establish program of assistance for homeless — financing by additional user fees for recording instruments, voter approval required.
  - 67.1401. Community improvement district act, definitions.
  - 67.1461. Powers of district — reimbursement of municipality — limitations.
  - 67.1545. Sales and use tax authorized in certain districts (Kansas City) — procedure to adopt, ballot language, imposition and collection by retailers — penalties for violations — deposit into trust fund, use — repeal.
  - 67.1850. Geographical information system may be created (Greene County or Springfield), purpose, open records policy, fees for information, licensing, liability.
  - 71.014. Annexation by certain cities upon request of all property owners in area annexed.
  - 72.424. Owners of certain tracts of land located in certain cities (including Eureka and Wildwood) may, by agreement, choose to join one or the other, procedure — termination date.
  - 82.300. Certain cities may enact ordinances, purposes, punishments (including Kansas City).
  - 82.1050. Landlords in certain cities required to register with city to ensure safety and code regulation compliance, required information — expiration date (including Kansas City and St. Louis).
  - 92.031. Annual tax for debt service, rate — (Kansas City).
  - 99.053. Appointment of additional housing commissioner authorized where necessary to comply with federal law.
  - 100.331. Commissioners, number reduced, appointment, terms, qualifications, vacancies — consolidation plan authorized (St. Louis City).
  - 135.355. Eligibility statement must be filed with tax return, failure to comply, effect — federal requirement to recapture, state requires to recapture, amount.
  - 135.481. Taxpayers incurring eligible costs entitled to tax credit, amount, qualifications.
  - 139.053. Property taxes, how paid — estimates — interest — refunds.
  - 140.110. Collection of back taxes, payments applied, how, exceptions — removal of lien.
  - 140.160. Limitation of actions, exceptions — county auditor to furnish delinquent tax list.
  - 141.220. Definitions (first class charter counties, and Clay and Buchanan counties).
  - 141.540. Place of sale — form of advertisement — notice to be posted on land and sent to certain persons, procedure (first class charter counties, and Clay and Buchanan counties).
  - 141.550. Conduct of sale — interests conveyed — special sale procedures for certain counties, certain owners prohibited from bidding — cost of publication (first class charter counties, and Clay and Buchanan counties).
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- 141.550. Conduct of sale — interests conveyed — special sale procedures for certain counties, certain owners prohibited from bidding — cost of publication (first class charter counties, and Clay and Buchanan counties).
- 141.610. Court administrator's, sheriff's deed, effect — action to set aside, limitations (first class charter counties).
- 144.757. Local use tax to fund community comeback program — rate of tax — St. Louis County — ballot of submission — notice to director of revenue — repeal or reduction of local sales tax, effect on local use tax.
- 144.759. Collection of additional local use tax for community comeback program — deposit in local use tax trust fund, not part of state revenue — distribution to counties and municipalities — refunds — notification to director of revenue on abolishment of tax.
- 144.761. Repeal or amendment of local use tax — effect on local use tax of repeal of local sales tax — petition to repeal local use tax — ballot measure on repeal of local use tax.
- 249.470. Districts to be established by resolution of commission — countywide sewer districts, when.
- 260.210. Prohibited acts, exception — search warrants to issue, when — investigations, department may conduct, how — demolition waste, disposal of, requirements — building permits, notice of disposal of demolition waste required, form — exceptions — exceptions for Kansas City.
- 353.020. Definitions.
  - 1. Department of natural resources shall verify compliance with corrective action plans for hazardous waste management.
  - 2. Authorizes grants for regional research consortia in a distressed community.
  - 3. Authorizes local sales tax to provide community services for children — establishes fund (St. Charles County).
- B. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 64.342, 67.1062, 67.1063, 71.014, 135.355, 140.160, 141.220, 141.540, 141.610 and 353.020, RSMo 1994, sections 67.410, 67.1401, 67.1461, 72.424, 82.300, 92.031, 135.481, 139.053, 140.110, 144.757, 144.759, 144.761, 249.470 and 260.210, RSMo Supp. 1999, and both versions of section 141.550 as they appear in RSMo Supp. 1999, are repealed and forty new sections enacted in lieu thereof, to be known as sections 64.337, 64.342, 67.410, 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.1062, 67.1063, 67.1401, 67.1461, 67.1545, 67.1850, 71.014, 72.424, 82.300, 82.1050, 92.031, 99.053, 100.331, 135.355, 135.481, 139.053, 140.110, 140.160, 141.220, 141.540, 141.550, 141.610, 144.757, 144.759, 144.761, 249.470, 260.210, 353.020, 1, 2 and 3, to read as follows:

**64.337. COUNTY COMMISSION AUTHORIZED TO APPOINT AND SET COMPENSATION OF PARK RANGERS — RANGERS, CERTIFICATION BY DEPARTMENT OF PUBLIC SAFETY REQUIRED, POWERS AND DUTIES (CLAY COUNTY).** — **1.** In order to furnish security similar to that provided in state parks, the county commission of any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand containing a part of a city with a population over three hundred fifty thousand may appoint and set the compensation of such park rangers, who shall be certified by the director of the department of public safety, as provided in chapter 590, RSMo, as it deems necessary for the prompt and proper discharge of its duties relating to the parks and recreational facilities of the county. Such certification shall include one hundred twenty hours of training in addition to that required in section 590.105,

**RSMo.** The salaries of all park rangers appointed pursuant to this section shall be paid in the same manner as the salaries of other county employees.

2. Each park ranger appointed pursuant to this section shall:

(1) Before entering upon the discharge of his or her duties, take and subscribe an oath of office to perform his or her duties faithfully and impartially;

(2) Have full authority, including all the powers given to other peace officers of this state, to preserve the peace, make arrests, and issue citations for violations of any state law or of any rules or regulations adopted by the governing body pursuant to section 64.345, on all land, thoroughfares and waterways within the park boundaries.

3. Park rangers appointed pursuant to this section may carry firearms while engaged in the performance of their official duties only while within the park boundaries, subject to the training requirements of section 590.105, RSMo.

4. All revenues received from fines levied pursuant to subsection 2 of this section shall be deposited into the county school fund and distributed pursuant to section 166.131, RSMo.

**64.342. PARK CONCESSION STANDS OR MARINAS, COUNTY-OPERATED, FUNDS GO TO COUNTY PARK FUND (CLAY COUNTY).** — 1. Section 64.341 to the contrary notwithstanding, the county commission of any [first class nonchartered county] **county of the first classification without a charter form of government with a population of at least one hundred fifty thousand** containing part of a city with a population over [four] **three hundred fifty thousand** [and bordering on a lake having at least one hundred and ten miles of shoreline] is hereby authorized to acquire, by purchase or gift, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate, in whole or in part, concession stands **or marinas** within any area contiguous to the lake which is used as a public park, playground, camping site or recreation area.

2. Such concession stands **or marinas** may offer refreshments for sale to the public using such areas and services therein relating to boating, swimming, picnicking, golfing, shooting, horseback riding, fishing, tennis and other recreational, cultural and educational uses upon such terms and under such regulations as the county may prescribe.

3. All moneys derived from the operation of concession stands **or marinas** shall be paid into the county treasury and be credited to a "Park Fund" to be established by each county authorized under subsection 1 of this section and be used and expended by the county commission for park purposes.

4. **The provisions of this section extending authority to counties concerning marinas shall not apply to any privately operated marina in operation prior to the effective date of this section.**

**67.410. PROVISIONS REQUIRED IN ORDINANCE.** — 1. Except as provided in subsection 3 of this section, any ordinance enacted pursuant to section 67.400, shall:

(1) Set forth those conditions detrimental to the health, safety or welfare of the residents of the city, town, village, or county the existence of which constitutes a nuisance;

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(2) Provide for duties of inspectors with regard to such buildings or structures and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such buildings or structures;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the property is to be vacated, if such be the case, reconditioned or removed, listing a reasonable time for commencement; and may provide that such notice be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the building or structure as shown by the land records of the recorder of deeds of the county wherein the land is located shall be made parties;

(4) Provide that upon failure to commence work of reconditioning or demolition within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town, village, or county, the building commissioner or designated officer or officers shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety, or welfare of the residents of the city, town, village, or county and ordering the building or structure to be demolished and removed, or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town, village, or county, no order shall be issued;

(5) Provide that if the building commissioner or other designated officer or officers issue an order whereby the building or structure is demolished, secured, or repaired, or the property is cleaned up, the cost of performance shall be certified to the city clerk or officer in charge of finance, who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the city collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the city, town, village, or county and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in sections 429.010 to 429.360, RSMo. Except as provided in subsection 3 of this section, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. **A city not within a county or a city with a population of at least four hundred thousand located in more than one county, notwithstanding any charter provision to the contrary, may, by ordinance, provide that upon determination by the city that a public benefit will be gained the city may**

**discharge the special tax bill, including the costs of tax collection, accrued interest and attorneys fees, if any.**

2. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, the ordinance may establish a procedure for the payment of up to twenty-five percent of the insurance proceeds, as set forth in this subsection. The order or ordinance shall apply only to a covered claim payment which is in excess of fifty percent of the face value of the policy covering a building or other structure:

(1) The insurer shall withhold from the covered claim payment up to twenty-five percent of the covered claim payment, and shall pay such moneys to the city to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the order or ordinance;

(2) The city or county shall release the proceeds and any interest which has accrued on such proceeds received under subdivision (1) of this subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty days after receipt of such insurance moneys, unless the city or county has instituted legal proceedings under the provisions of subdivision (5) of subsection 1 of this section. If the city or county has proceeded under the provisions of subdivision (5) of subsection 1 of this section, all moneys in excess of that necessary to comply with the provisions of subdivision (5) of subsection 1 of this section for the removal, securing, repair and cleanup of the building or structure, and the lot on which it is located, less salvage value, shall be paid to the insured;

(3) If there are no proceeds of any insurance policy as set forth in this subsection, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be a lien on the property until paid;

(4) This subsection shall apply to fire, explosion, or other casualty loss claims arising on all buildings and structures;

(5) This subsection does not make the city or county a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

3. The governing body of any city not within a county and the governing body of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county may enact their own ordinances pursuant to section 67.400 and are exempt from subsections 1 and 2 of this section.

4. Notwithstanding the provisions of section 82.300, RSMo, any city may prescribe and enforce and collect fines and penalties for a breach of any ordinance enacted pursuant to section 67.400 or this section and to punish the violation of such ordinance by a fine or imprisonment, or by both fine and imprisonment. Such fine may not exceed one thousand dollars, unless the owner of the property is not also a resident of the property, then such fine may not exceed two thousand dollars.

5. The ordinance may also provide that a city not within a county or a city with a population of at least three hundred fifty thousand located in more than one county may seek to recover the cost of demolition prior to the occurrence of demolition, as described in this subsection. The ordinance may provide that if the building

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commissioner or other designated officer or officers issue an order whereby the building or structure is ordered to be demolished, secured or repaired, and the owner has been given an opportunity for a hearing to contest such order, then the building commissioner or other designated officer or officers may solicit no less than two independent bids for such demolition work. The amount of the lowest bid, including offset for salvage value, if any, plus reasonable anticipated costs of collection, including attorney's fees, shall be certified to the city clerk or officer in charge of finance, who shall cause a special tax bill to be issued against the property owner to be prepared and collected by the city collector or other official collecting taxes. The municipal clerk or other officer in charge of finance shall discharge the special tax bill upon documentation by the property owner of the completion of the ordered repair or demolition work. Upon determination by the municipal clerk or other officer in charge of finance that a public benefit is secured prior to payment of the special tax bill, the municipal clerk or other officer in charge of finance may discharge the special tax bill upon the transfer of the property. The payment of the special tax bill shall be held in an interest-bearing account. Upon full payment of the special tax bill, the building commissioner or other designated officer or officers shall, within one hundred twenty days thereafter, cause the ordered work to be completed, and certify the actual cost thereof, including the cost of tax bill collection and attorney's fees, to the city clerk or other officer in charge of finance who shall, if the actual cost differs from the paid amount by greater than two percent of the paid amount, refund the excess payment, if any, to the payor, or if the actual amount is greater, cause a special tax bill or assessment for the difference against the property to be prepared and collected by the city collector or other official collecting taxes. If the building commissioner or other designated officer or officers shall not, within one hundred twenty days after full payment, cause the ordered work to be completed, then the full amount of the payment, plus interest, shall be repaid to the payor. Except as provided in subsection 2 of this section, at the request of the taxpayer the tax bill for the difference may be paid in installments over a period of not more than ten years. The tax bill for the difference from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.

**67.478. TITLE. — Sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493 shall be known and may be cited as the "Community Comeback Act".**

**67.481. DEFINITIONS. — As used in sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493, the following terms mean:**

(1) "Community comeback plan" and "plan", a comprehensive countywide plan adopted by the community comeback trust board and the governing body of the county that identifies potential areas for reinvestment, projects and strategies to promote neighborhood reinvestment throughout the county, and that clearly identifies on a map the priority comeback communities. The plan shall be a five-year strategic and operating plan, complete with goals, objectives, targets and mechanisms or methods of measuring accomplishments, revised annually;

(2) "Community comeback program", "community comeback trust" and "trust", a fund held in the treasury of the county which shall be the repository for all taxes and other moneys raised pursuant to sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493, and authorized by the governing body of the county for the purposes of promoting neighborhood reinvestment;

(3) "Community comeback program board", "community comeback trust board" and "board", the entity established pursuant to sections 67.478 to 67.493 that is responsible for administering the comeback community trust;

(4) "Community comeback trust citizen advisory committee" and "advisory committee", an eleven-member committee established pursuant to sections 67.478 to 67.493 that is responsible for advising the community comeback fund board on the best methods of promoting neighborhood reinvestment;

(5) "Eligible expenses", costs qualified for funding through the community comeback trust which are:

(a) Incurred for the purchase, assembly, clearance, demolition and environmental remediation of land, structures and facilities, public or private, either as part of a neighborhood reinvestment project or to prepare sites for future use in areas with underutilized, derelict, economically challenged or environmentally troubled sites;

(b) Related to planning, redesign, clearance, reconstruction, structure rehabilitation, site remediation, construction, modification, expansion, remodeling, structural alteration, replacement or renovation of any structure in a priority comeback community;

(c) Expended for capital improvements or infrastructure improvements to facilitate economic development;

(d) Expended for residential redevelopment including, but not limited to, buyouts, land-assembly costs, infrastructure improvements and costs associated with preparing sites for housing construction; professional service expenses such as architectural, planning, engineering, design, marketing or other related expenses;

(e) Related to community improvement district or special business district expenses such as facade improvements, landscaping, street lighting, sidewalk construction, trash receptacles, park benches and other public improvements;

(f) Expenses related to facilitating transit- oriented developments, home improvement and home buyer loan programs; and

(g) Expenses eligible for funding through the select neighborhood action program;

(6) "Neighborhood reinvestment project" and "project", the planning, development, redesign, clearance, reconstruction or rehabilitation or any combination thereof in order to improve those residential, commercial, industrial, public or other structures or spaces and the infrastructure serving them as may be appropriate or necessary in the interest of the general welfare;

(7) "Petition", a petitioner's request for funding made to the community comeback trust;

(8) "Petitioner", the governing body of any municipality, the governing body of the county, any land clearance for redevelopment authority within the

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county organized pursuant to chapter 99, RSMo, or any not-for-profit economic development organization with a governing board not less than two-thirds of the members of which are appointed by the chief elected official of the county or by one or more organizations with governing boards appointed by the chief elected official;

(9) "Priority comeback community", an area in a county which encompasses an entire United States census block group and has a median household income below the median household income for such entire county;

(10) "Priority comeback project", a funding proposal submitted to a community comeback trust by a petitioner whose area is substantially within a priority comeback community;

(11) "Proposal", a petitioner's funding request for the eligible expenses of a neighborhood reinvestment project submitted to a trust by a petitioner;

(12) "Select neighborhood action program" and "SNAP", a grant program, administered and funded pursuant to subsection 5 of section 67.490;

(13) "Select neighborhood action program applicant" and "SNAP applicant", a neighborhood organization or not-for-profit organization whose mission is consistent with the community comeback plan. The organization shall have a municipal sponsor or a county sponsor if the area is unincorporated. The organization shall have been in existence for at least six months and meet at least once a year in order to be eligible for a SNAP grant;

(14) "SNAP grant", an endowment of money by the board to a SNAP applicant pursuant to subsection 5 of section 67.490.

**67.484. ST. LOUIS COUNTY AUTHORIZED TO FORM COMMUNITY COMEBACK TRUST, PURPOSES, FORMATION — BOARD, COMPOSITION, NOMINATION, POWERS, DUTIES, RESTRICTIONS — FUNDING, LOCAL SALES TAX, BOND ISSUANCE, VALIDITY, PAYMENT. — 1.** A community comeback trust may be created, incorporated and managed pursuant to this section by any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants according to the last decennial census, and may exercise the powers given to such trust pursuant to sections 67.478 to 67.493. A trust may sue and be sued, issue general revenue bonds and receive county use tax revenue pursuant to the limitations of this section. A trust shall have as its primary duties the prevention of neighborhood decline, the demolition of old deteriorating and vacant buildings, rehabilitating historic structures, the cleaning of polluted sites and the promotion of neighborhood reinvestment where such investment is essential to reverse or stabilize a stagnant or declining pattern in household income, assessed values, occupancies and related characteristics.

2. The governing body of the county is hereby authorized to impose by ordinance a local use tax pursuant to sections 144.757 to 144.761, RSMo, for the purpose of funding the creation, operation and maintenance of a community comeback trust, as well as to provide revenue to the county and municipalities authorized to receive moneys generated by said tax pursuant to section 144.759, RSMo. The governing body of the county enacting such an ordinance shall submit to the voters of such county a proposal to approve its ordinance imposing

the tax. Such ordinance shall become effective only after the majority of the voters voting on such ordinance approve such ordinance. The question shall be submitted to the voters in the county pursuant to section 144.757, RSMo.

3. (1) The community comeback trust board shall be composed of seven members as provided in this subsection. No member shall be an elected official, employee or contractor of the county or any municipality within the county or of any organization representing the county or any municipality within the county. Board members shall be citizens of the United States and shall reside within the county. No two members of the board shall be residents of the same county council district of such county. No member shall receive compensation for performance of board duties. No member shall be financially interested directly or indirectly in any contract entered into by the trust or by any petitioner. In the event that any property owned by a board member or the immediate family member of such board member is located in a priority comeback community, the member shall disclose such information to the board and abstain from any formal or informal actions regarding any project in that neighborhood.

(2) The chief elected official of any municipality wholly within the county and any member of the governing body of the county shall nominate individuals to serve on the board by providing a list of nominees to the county executive who shall appoint the members. Of the total members, at least four shall be residents of municipalities within the county and at least one shall have each of the following professions: a professional architect or engineer; an urban planner or design professional; a developer or builder; and an accountant or an attorney.

(3) The seat of a member shall be automatically vacated when the member changes his or her residence so as to no longer conform to the terms of the requirements of the member's appointment. The board shall promptly notify the county executive of such a change of residence, the pending expiration of any member's term, any member's need to vacate his or her seat or any vacancy on the board. A member whose term has expired shall continue to serve until the successor is appointed and qualified.

(4) Upon the passage of an ordinance by the governing body of the county establishing the community comeback trust, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected officials of each municipality wholly in the county.

(5) Each of the nominating authorities described in subdivision (2) of this subsection shall, within forty- five days of the passage of the ordinance establishing the board or within fourteen days of being notified of a board vacancy by the county executive, submit its list of nominees to the county executive. The county executive shall appoint members within sixty days of the passage of the ordinance or within thirty days of being notified by the board of a vacancy on the board. If a list of nominees is not submitted by the time specified, the county executive shall appoint the members using the criteria set forth in this section.

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(6) At the first meeting of the board appointed after the effective date of the ordinance, the members shall choose by lot the length of their terms. Three shall serve for one year, two for two years, and two for three years. All succeeding members shall serve terms of three years. Terms shall end on December thirty-first of the respective year. No member shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

4. The board, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records pursuant to chapter 610, RSMo. The board shall enact and adopt all rules, regulations and procedures that are reasonably necessary to achieve the objectives of sections 67.478 to 67.493, and not inconsistent therewith, no sooner than twenty-seven calendar days after notifying all municipalities and the county of the proposed rule, regulation or procedure enactment or change. Notice may be given by ordinary mail, by electronic mail or by publishing in at least one newspaper of general circulation qualified to publish legal notices. No new or amended rule, regulation or procedure shall apply retroactively to any proposal pending before the trust without the agreement of the petitioner. The board shall have the exclusive control of the expenditures of all money collected to the credit of the trust, subject to annual appropriations by the governing body of the county. The county government shall provide the trust staff. No more than five percent of the trust's annual budget shall be used for the trust's annual administrative expenses.

5. The trust is authorized to issue bonds, notes or other obligations for any proposal, and to refund such bonds, notes or obligations, as provided in subsection 3 of this section; and to receive and liquidate property, both real and personal, or money which has been granted, donated, devised or bequeathed to the district. The trust shall not have any power of eminent domain.

6. (1) Bonds issued pursuant to this section shall be issued pursuant to a resolution adopted by five-sevenths of the board which shall set out the estimated cost to the trust of the proposed improvements, and shall further set out the amount of the bonds to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection with such bonds. Any such bonds may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(2) Notwithstanding the provisions of section 108.170, RSMo, such bonds shall bear interest at rate or rates determined by the trust, shall mature within a period not exceeding twenty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount of such bonds. Bonds issued by the trust shall possess all of the qualities of negotiable instruments pursuant to the laws of this state.

(3) Such bonds may be payable to the bearer, may be registered or coupon bonds, and, if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing such bonds, which resolution may also provide for the

exchange of registered and coupon bonds. Such bonds and any coupons attached thereto shall be signed in such manner and by such officers of the district as may be provided by the resolution authorizing the bonds. The trust may provide for the replacement of any bond which has become mutilated, destroyed or lost.

(4) Bonds issued by the trust shall be payable as to principal, interest and redemption premium, if any, out of all or any part of the trust fund, including revenues derived from use taxes. Neither the board members nor any person executing the bonds shall be personally liable on such bonds by reason of the issuance of such bonds. Bonds issued pursuant to this section shall not constitute a debt, liability or obligation of this state, or any political subdivision of this state, nor shall any such obligations be a pledge of the faith and credit of this state, but shall be payable solely from the revenues and assets held by the trust. The issuance of bonds pursuant to this section shall not directly, indirectly or contingently obligate this state or any political subdivision of this state to levy any form of taxation for such bonds or to make any appropriation for their payment. Each obligation or bond issued pursuant to this section shall contain on its face a statement to the effect that the trust shall not be obligated to pay such bond nor interest on such bond except from the revenues received by the trust or assets of trust lawfully pledged for such trust, and that neither the faith or credit nor the taxing power of this state or of any political subdivision of this state is pledged to the payment of the principal of or the interest on such obligation or bond. The proceeds of such bonds shall be disbursed in such manner and pursuant to such restrictions as the trust may provide in the resolution authorizing the issuance of such bonds.

(5) The trust may issue negotiable refunding bonds for the purpose of refunding, extending or unifying the whole or any part of such bonds then outstanding, or any bonds, notes or other obligations issued by any other public agency, public body or political subdivision in connection with any facilities or land to be acquired, leased or subleased by the trust, which refunding bonds shall not exceed the amount necessary to refund the principal of the outstanding bonds to be refunded and the accrued interest on such bonds to the date of such refunding, together with any redemption premium, amounts necessary to establish reserve and escrow funds and all costs and expenses incurred in connection with the refunding. The board shall provide for the payment of interest and principal of such refunding bonds in the same manner as was provided for the payment of interest and principal of the bonds refunded.

(6) In the event that any of the members or officers of the trust whose names appear on any bonds or coupons shall cease to be on the board or cease to be an officer before the delivery of such bonds, such signatures shall remain valid and sufficient for all purposes, the same as if such board members or officers had remained in office until such delivery.

(7) The trust is hereby declared to be performing a public function and bonds of the trust are declared to be issued for an essential public and governmental purpose, and, accordingly, interest on such bonds and income from such bonds shall be exempt from income taxation by this state. All purchases in excess of ten thousand dollars shall be made pursuant to the lowest and best bid

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standard as provided in section 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided in section 34.042, RSMo. The board of the trust shall have the same discretion, powers and duties as the commissioner of administration has in sections 34.040 and 34.042, RSMo.

**67.487. COMMUNITY COMEBACK PLAN, NOTIFICATION, DEVELOPMENT, DISTRIBUTION, ANNUAL REVISION AND ADOPTION — REPORTS AND AUDITS REQUIRED — ADVISORY COMMITTEE TO BE ESTABLISHED BY THE BOARD. — 1.** Within fourteen days of the first meeting of the first board appointed following the effective date of the ordinance, the board shall notify by mail the chief elected officials of all municipalities wholly within the county, the chief elected official of the county and all the members of the governing body of the county of the requirement to conduct a planning process and adopt a community comeback plan.

2. The board shall solicit full citizen, county and municipal involvement in developing the plan. The board shall conduct public hearings throughout the county to seek input regarding the plan, and may convene meetings with the appropriate staff of the county and municipalities in order to seek input and to coordinate the logistics of producing the plan. A copy of the plan shall be sent to the chief elected official of every municipality wholly within the county, the chief elected official of the county and each member of the governing body of the county.

3. The board and the governing body of the county shall annually revise and adopt a plan.

4. Each plan shall include a map of the county, as well as a text enumerating the efforts expected each year in the various subregions of the county. Each plan shall address the factors that are causing or are likely to cause one or more of the following:

- (1) Assessed values below the county average;
- (2) Median household incomes below the county median;
- (3) An unemployment rate above the county average;
- (4) A reduction in the number of jobs with an emphasis upon those jobs paying average or above average salaries;
- (5) Failure to keep pace with the average growth rate in home values in the metropolitan area or county; and
- (6) A high vacancy rate among residential, commercial and industrial properties.

5. Each plan shall include an analysis of the condition of the housing stock in the various subregions of the county, a market analysis of the home-buying market with a focus on the impediments to attracting home buyers to those subregions and an analysis of the physical infrastructure needs that prevent economic growth.

6. The board may consider the following factors when determining the appropriate areas and strategies for investment:

(1) Buildings that are unsafe or unhealthy for occupancy due to code violations, dilapidation, defective design, faulty utilities or any other negative conditions;

(2) Factors that prevent or substantially hinder the economically viable use of buildings or lots, such as substandard design, inadequate size, lack of parking or any other conditions;

(3) Incompatible uses that prevent economic development;

(4) Subdivided lots of irregular form and shape and inadequate size for proper usefulness that have multiple ownership;

(5) Depreciated or stagnant property values, including properties that contain hazardous wastes;

(6) Abnormally high business vacancies, abnormally low lease rates, high turnover rates, abandoned buildings, or excessive vacant lots within an area developed for urban use and served by utilities;

(7) The existence of conditions that are not conducive to public safety; and

(8) The lack of necessary commercial facilities normally found in neighborhoods.

7. Each plan shall outline specific strategies to address the problems facing the various subregions and neighborhoods within the county. The plan shall also discuss the partnerships that can be made with federal, state and local governments, as well as businesses, labor organizations, nonprofit groups, religious and other groups and citizens to help implement the plan. These strategies shall include estimated costs and time lines for completion.

8. The board shall produce an annual report focusing on the accomplishments of the trust relative to the goals set forth in the plan, the goals for the next year and the challenges facing the trust. The annual report shall be given to the chief elected officials of all the municipalities wholly within the county, the chief elected official of the county, the members of the governing board of the county and the public libraries within the county, and shall be posted on the county Internet web site.

9. Every year, the board shall commission an independent financial audit, the report of which shall be distributed in the same manner as the annual report pursuant to subsection 8 of this section.

10. Every five years, the board shall commission an independent management audit. The management audit shall include a comprehensive analysis of development trends, factors and practices along with specific recommendations to improve the trust's ability to achieve its mission. The management audit shall be reviewed by the advisory committee which may offer constructive advice on enhancing practices in order to achieve the goals of the program. The management audit shall be distributed in the same manner as the annual report pursuant to subsection 8 of this section. The board is authorized to take any necessary and proper steps to address the issues and recommendations contained within the management audit.

11. (1) The board shall establish an eleven member advisory committee that shall meet four times each year and shall advise petitioners, staff and the board. The advisory committee members shall be appointed by the county executive. At

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least six of the advisory committee's members shall be nominated by the municipal league within the county and at least three shall be nominated by the members of the governing body of the county. No advisory committee member shall receive compensation for performance of duties as a committee member.

(2) At least one of the advisory committee members shall be a university professor well-versed in regional development issues. At least two of the advisory committee members shall be municipal officials from communities that have undertaken redevelopment programs as part of larger planning efforts. At least one of the advisory committee members shall be an attorney with experience in redevelopment activities. At least two of the advisory committee members shall be residents of priority comeback communities who have been active in advocating effective redevelopment policies. At least one of the advisory committee members shall be a private professional familiar with the factors influencing business location decisions. At least one of the advisory committee members shall be an individual familiar with education and training practices and workforce needs, with an understanding of how labor availability impacts business location decisions. At least one of the advisory committee members shall be a planner from the private sector knowledgeable in the area of strategic planning and the principles of multiyear rolling plans.

(3) The advisory committee shall promptly notify the county executive of the pending expiration of any member's term or any vacancy on the advisory committee. A member whose term has expired shall continue to serve until his or her successor is appointed and qualified.

(4) The board shall establish the advisory committee by resolution at the board's first meeting. The board shall, within ten days of the passage of the resolution establishing the advisory committee, send by United States mail written notice of the passage of the resolution to the county's municipal league and the members of the governing body of the county. The municipal league and the members of the governing board of the county shall, within forty-five days of the passage of the resolution establishing the advisory committee or within fourteen days of being notified of a vacancy by the county executive, submit its list of nominees to the county executive. The county executive shall appoint members within sixty days of the passage of the resolution or within thirty days of being notified by the committee of a vacancy on the advisory committee. If a list of nominees is not submitted by the time specified, the county executive shall appoint the members using the criteria set forth in this section before the sixtieth day from the passage of the resolution or before the thirtieth day from being notified of a vacancy on the existing advisory committee.

(5) At the advisory committee's first meeting, the members shall choose by lot the length of their terms. Two shall serve for one year, three for two years, three for three years and three for four years. All succeeding committee members shall serve for four years. Terms shall end on December thirty-first of the respective year.

(6) The committee members shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records pursuant to chapter 610, RSMo.

**67.490. PETITIONS, CONTENTS, REVIEW, CRITERIA, APPROVAL BY BOARD AS PROPOSAL, PUBLIC HEARING — PROCEDURE IF FUNDS SOUGHT, ADDITIONAL REVIEW, FINDINGS BY BOARD REQUIRED WHEN — SELECT NEIGHBORHOOD ACTION PROGRAM, ELIGIBLE PROJECTS. — 1.** The board shall in a timely manner adopt rules setting forth basic guidelines for acceptance and evaluation of petitions, including a common understandable format, as well as appropriate supporting material, maps, plans and data. The board shall begin to accept petitions one month after the adoption of the plan by the governing body of the county pursuant to section 67.487. The board shall review all petitions submitted by any petitioner. Review shall begin no later than thirty days after submission of the petition to the commission. In order to qualify as a proposal, a petition shall address the criteria set forth in subsection 4 of this section. For the purposes of this subsection, the term "pending" means any proposal submitted to the board which has not yet been approved by the board.

2. When practical, a petition shall be initially submitted to the advisory committee for constructive review and comment in a manner likely to result in a proposal that addresses a strategy outlined in the plan.

3. The board shall hold a public hearing concerning the petition, which may be on the same day as a scheduled meeting of the board.

4. (1) In reviewing any petition for funding, the board shall first determine if funds are sought for eligible expenses for a neighborhood reinvestment project. If the petition seeks such funds, the board shall certify such petition as a proposal subject to further review unless the board finds that the petition seeks funds for expenses that do not qualify as eligible expenses, or seeks funds for an endeavor other than a neighborhood reinvestment project. If the board finds that funds are sought for ineligible expenses or for an ineligible endeavor, the board need not take any further action and shall notify the petitioner in writing of all deficiencies that prevent the petition from being a proposal. If the board determines that there is a minor error or discrepancy in a petition, the board, with the petitioner's concurrence, may make such changes to the petition as are necessary to rectify the error that prevents the petition from being certified as a proposal subject to further review. Within six months of certification of a petition as a proposal, the board shall issue a finding approving or disapproving such proposal. In disapproving any proposal, the board shall issue a document indicating the reasons that the proposal was disapproved.

(2) If the board determines that a proposal is a priority comeback project consistent with the strategies and priorities set forth in the community comeback plan and that the project is well planned, realistic, creative, resourceful, benefits the local community and is cost-effective, then the board shall award funding. If the board determines that a proposal is a priority comeback project, but is inconsistent with the strategies and priorities in the community comeback plan, the board may award funding if it finds that the project is well planned, realistic, creative, resourceful, benefits the local community, is cost-effective and addresses the reinvestment needs of neighborhoods by one or more of the following:

- (a) Reducing or removing impediments to attracting home buyers;
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(b) Providing the necessary physical infrastructure needed to promote significant job growth;

(c) Reducing or removing any such factor or factors that constitute an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use.

(3) If the board determines that a proposal, which is not a priority comeback project, is consistent with the strategies and priorities set forth in the community comeback plan and is well planned, realistic, creative, resourceful, benefits the local community and is cost-effective, the board may award funding if the board adds such proposal to the plan. If the board determines that a proposal, which is not a priority comeback project, is inconsistent with the strategies and priorities in the community comeback plan, the board may award funding if it finds that the project is well planned, realistic, creative, resourceful, benefits the local community, is cost-effective and addresses the reinvestment needs of neighborhoods by one or more of the following:

(a) Reducing or removing impediments to attracting home buyers;

(b) Providing the necessary physical infrastructure needed to promote significant job growth;

(c) Reducing or removing any such factor or factors that constitute an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use.

(4) The board, the advisory committee and the staff of both may advise petitioners on issues related to petitions or proposals. The board may meet informally, subject to the requirements of chapter 610, RSMo, with representatives of potential petitioners with regard to future petitions and plans.

5. The board shall establish a select neighborhood action program. SNAP applicants shall provide a ten-percent cash or in-kind match to be eligible for a SNAP grant. Project categories eligible for SNAP grant funding shall be:

(1) Neighborhood beautification projects which enhance the appearance of the overall neighborhood. Such projects include, but are not limited to, tree and flower plantings, cleanups, entranceway landscaping, community gardens, public art and neighborhood identification signs/banners;

(2) Neighborhood organization or capacity projects which create or increase membership in a neighborhood organization promoting community betterment. Such projects include, but are not limited to, neighborhood newsletters, neighborhood marketing brochures, neighborhood meetings and special events, and technology such as web site development;

(3) Neighborhood-school partnership projects which benefit a school and the adjacent neighborhood. Involvement of both the school and the neighborhood in planning, implementation and maintenance must be substantiated. Partnership projects include, but are not limited to, youth and community programs that promote safety, culture or the environment and that are beneficial to both the school and the neighborhood;

(4) Capital purchase projects which include the acquisition of equipment or property. Such projects include, but are not limited to, land acquisition, playground equipment, bicycle racks and major supplies;

(5) Neighborhood improvement projects which benefit the local infrastructure in a neighborhood, and include construction of sidewalks or installation of street lights.

6. Project categories ineligible for SNAP grant funding shall be:

- (1) Projects accomplished in more than twelve months;
- (2) Projects that duplicate existing private or public programs;
- (3) Projects that require ongoing services, or requests to support continual operating budgets; and
- (4) Projects that conflict with the community comeback plan.

7. When making SNAP grant funding decisions, the board shall consider the level of neighborhood participation including the percentage of residents who are involved in planning and implementing the idea, the diversity of parties involved or that will benefit, and the amount of neighborhood opposition; the community benefit of the project, including the number of people who will benefit from the project and the overall quality of the project.

**67.493. FUNDS, MINIMUM TO BE USED FOR SNAP GRANT PROGRAM AND PRIORITY COMEBACK PROJECTS, OTHER USES.** — Of the funds available to the trust, a minimum of five percent of the funds, not to exceed an unallocated balance of five hundred thousand dollars rolled over from the previous fiscal year, shall be set aside annually for the SNAP grant program. Of the remaining funds seventy-five percent calculated on a rolling three-year average shall be set aside for priority comeback projects. The balance of the funds shall be used to indirectly or directly benefit priority comeback communities or residents of those areas by utilizing such funds to:

- (1) Promote job preparation and job creation in areas easily accessed by residents of priority comeback communities;
- (2) Improve neighborhoods adjacent to priority comeback communities that are unlikely to be improved without such funding; and
- (3) Abate through low-interest home improvement loan programs or similar mechanisms the functional or marketable obsolescence of any owner-occupied residential structure over twenty-five years old which is located within a census block group below one hundred ten percent of the median income level for the metropolitan statistical area for this state; provided that, there is a significant threat of economic decline within the area without intervention by the trust.

**67.1062. DEFINITIONS.** — As used in sections 67.1062 to 67.1071, unless the context clearly requires otherwise, the following words and phrases mean:

- (1) "Agency", an entity which provides housing-related assistance to homeless persons **or the repair or replacement of housing structures which are in violation of the county housing code, and shall include not-for-profit housing partnerships as defined in 24 CFR Part 92 or successor regulations;**
  - (2) "City", any city not within a county;
  - (3) "County", a county of the first class having a charter form of government;
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(4) "Designated authority", the board, commission, agency, or other body designated under the provisions of section 67.1065 as the authority to administer the allocation and distribution of funds to agencies;

(5) "Homeless", an involuntary state characterized by a lack of **habitable** housing or shelter.

**67.1063. GOVERNING BODY OF COUNTY MAY ESTABLISH PROGRAM OF ASSISTANCE FOR HOMELESS — FINANCING BY ADDITIONAL USER FEES FOR RECORDING INSTRUMENTS, VOTER APPROVAL REQUIRED.** — 1. The governing body of the county may provide for a program of assistance to homeless persons, **including the repair or replacement of housing structures which are in violation of the county housing code**, as provided by sections 67.1062 to 67.1071. The governing body is hereby authorized to impose by order or ordinance the fee provided by subsection 2 **or 3** of this section in order to finance this program.

2. In addition to the fees imposed in section 59.319, RSMo, a user fee of three dollars shall be charged and collected on all instruments recorded with the recorder of deeds, over and above any other fees required by law, as a condition precedent to the recording of any instrument, but such fee shall not become effective unless the governing body of the county submits to the voters of the county a proposal to authorize the county to impose such fee and a majority of the votes cast on the proposal are in favor of the proposal.

**3. In addition to the fees imposed in section 59.319, RSMo, and in subsection 2 of this section, in any county with a population over nine hundred thousand, a user fee of three dollars shall be charged and collected on all instruments recorded with the recorder of deeds, over and above any other fees required by law, as a condition precedent to the recording of any instrument, but such fee shall not become effective unless the governing body of the county submits to the voters of the county a proposal to authorize the county to impose such fee and a majority of the votes cast on the proposal are in favor of the proposal. If the proposal is approved, the fee shall be forwarded to the executive of the county for distribution to any agency, as defined in section 67.1062, which renovates or rehabilitates housing structures for the purpose of sale at market rates to market rate buyers.**

**67.1401. COMMUNITY IMPROVEMENT DISTRICT ACT, DEFINITIONS.** — 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the "Community Improvement District Act".

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) "Assessed value", the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) "Blighted area", an area which:

(a) By reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use; or

(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections 99.300 to 99.715, RSMo;

(4) "Board", if the district is a political subdivision, the board of directors of the district, or if the district is a not for profit corporation, the board of directors of such corporation;

(5) "Director of revenue", the director of the department of revenue of the state of Missouri;

(6) "District", a community improvement district, established pursuant to sections 67.1401 to 67.1571;

(7) "Election authority", the election authority having jurisdiction over the area in which the boundaries of the district are located pursuant to chapter 115, RSMo;

(8) "Municipal clerk", the clerk of the municipality;

(9) "Municipality", any city located in a county of the first classification or second classification, any city not within a county and any county;

(10) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) "Owner", for real property, the individual or individuals or entity or entities who own the fee of real property or their legally authorized representative; for business organizations and other entities, the owner shall be deemed to be the individual which is legally authorized to represent the entity in regard to the district;

(12) "Per capita", one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety or tenants in partnership;

(13) "Petition", a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) "Qualified voters",

(a) For purposes of elections for approval of real property taxes:

[(a)] **a.** Registered voters; or

[(b)] **b.** If no registered voters reside in the district, the [owner] **owners of one or more parcels of real property [per capita] which is to be subject to such real property taxes and is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, [for real property] as of the thirtieth day prior to the date of the applicable election; [and]**

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(b) For purposes of elections for approval of business license taxes or sales taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the tax records for real property of the county clerk as of the thirtieth day before the date of the applicable election; and

(c) For purposes of the election of directors of the board, registered voters and owners of real property **which is not exempt from assessment or levy of taxes by the district and which is located** within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, [for real property as] of the thirtieth day prior to the date of the applicable election; and

(15) "Registered voters", persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election authority as of the thirtieth day prior to the date of the applicable election.

**67.1461. POWERS OF DISTRICT — REIMBURSEMENT OF MUNICIPALITY — LIMITATIONS.** — 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise or otherwise, any real property within its boundaries, personal property or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100, RSMo. Those exempt pursuant to subdivision (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2) and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

**(10) If the district is a political subdivision in a city with a population of at least four hundred thousand located in more than one county, to levy sales taxes pursuant to sections 67.1401 to 67.1571;**

**(11)** To fix, charge and collect fees, rents and other charges for use of any of the following:

- (a) The district's real property, except for public rights-of-way for utilities;
- (b) The district's personal property, except in a city not within a county; or
- (c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;

**[(11)] (12)** To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;

**[(12)] (13)** To loan money as provided in sections 67.1401 to 67.1571;

**[(13)] (14)** To make expenditures, create reserve funds and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

**[(14)] (15)** To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

**[(15)] (16)** Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:

- (a) Pedestrian or shopping malls and plazas;
  - (b) Parks, lawns, trees and any other landscape;
  - (c) Convention centers, arenas, aquariums, aviaries and meeting facilities;
  - (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems and other site improvements;
  - (e) Parking lots, garages or other facilities;
  - (f) Lakes, dams and waterways;
  - (g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls and barriers;
  - (h) Telephone and information booths, bus stop and other shelters, rest rooms and kiosks;
  - (i) Paintings, murals, display cases, sculptures and fountains;
  - (j) Music, news and child-care facilities; and
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(k) Any other useful, necessary or desired improvement;

[(16)] (17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks and other real property and improvements located within its boundaries for public use;

[(17)] (18) Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks and tunnels and to provide the means for access by emergency vehicles to or in such areas;

[(18)] (19) Within its boundaries, to operate or to contract for the provision of music, news, child-care or parking facilities, and buses, minibuses or other modes of transportation;

[(19)] (20) Within its boundaries, to lease space for sidewalk café tables and chairs;

[(20)] (21) Within its boundaries, to provide or contract for the provision of security personnel, equipment or facilities for the protection of property and persons;

[(21)] (22) Within its boundaries, to provide or contract for cleaning, maintenance and other services to public and private property;

[(22)] (23) To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events and furnishing music in any public place;

[(23)] (24) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

[(24)] (25) To provide or support training programs for employees of businesses within the district;

[(25)] (26) To provide refuse collection and disposal services within the district;

[(26)] (27) To contract for or conduct economic, planning, marketing or other studies; and

[(27)] (28) To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct or rehabilitate any building or structure owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.

**67.1545. SALES AND USE TAX AUTHORIZED IN CERTAIN DISTRICTS (KANSAS CITY) — PROCEDURE TO ADOPT, BALLOT LANGUAGE, IMPOSITION AND COLLECTION BY RETAILERS — PENALTIES FOR VIOLATIONS — DEPOSIT INTO TRUST FUND, USE — REPEAL. — 1.** Any district in a city with a population of at least four hundred thousand located in more than one county may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors and sales to public utilities. Any sales and use tax imposed pursuant to this section may be imposed at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, one-half of one percent or one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail- in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the ..... (insert name of district) Community Improvement District impose a community improvement district-wide sales and use tax at the maximum rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of the purpose)?

YES

NO

If you are in favor of the question, place an "X" in the box opposite of "Yes".  
If you are opposed to the question, place an "X" in the box opposite "No".

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.097, RSMo, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

4. The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087, RSMo.

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285, RSMo.

7. The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to violations of this section.

8. All revenue received by the district from a sales and use tax imposed pursuant to this section which are designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

9. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

**67.1850. GEOGRAPHICAL INFORMATION SYSTEM MAY BE CREATED (GREENE COUNTY OR SPRINGFIELD), PURPOSE, OPEN RECORDS POLICY, FEES FOR INFORMATION, LICENSING, LIABILITY. — 1.** As used in this section, the following terms mean:

- (1) "Community", any municipality or county as defined in this section;
- (2) "County", any county of the first classification without a charter form of government and a population of at least two hundred thousand inhabitants and containing a city with a population of at least one hundred forty-four thousand but not more than three hundred thousand inhabitants;
- (3) "Geographical information system", a computerized, spatial coordinate mapping and relational database technology which:
  - (a) Captures, assembles, stores, converts, manages, analyzes, amalgamates and records, in the digital mode, all kinds and types of information and data;
  - (b) Transforms such information and data into intelligence and subsequently retrieves, presents and distributes that intelligence to a user for use in making the intelligent decisions necessary for sound management;

(4) "Municipality", any city with a population of at least one hundred forty-four thousand but not more than three hundred thousand inhabitants and located in a county of the first classification without a charter form of government and a population of at least two hundred thousand inhabitants.

2. The development of geographical information systems has not been undertaken in any large-scale and useful way by private enterprise. The use of modern technology can enhance the planning and decision-making processes of communities. The development of geographical information systems is a time consuming and expensive activity. In the interest of maintaining community governments open and accessible to the public, information gathered by communities for use in a geographical information system, unless properly made a closed record, should be available to the public. However, access to the information in a way by which a person could render the investment of the public in a geographical information system a special benefit to that person, and not to the public, should not be permitted.

3. Any community as defined in this section may create a geographical information system for the community. The scope of the geographical information system shall be determined by the governing body of the community. The method of creation, maintenance, use and distribution of the geographical information system shall be determined by the governing body of the community. A community shall not mandate the use of this system or allocate the costs of the system to nonusers.

4. The information collected or assimilated by a community for use in a geographical information system shall not be withheld from the public, unless otherwise properly made a closed record of the community as provided by section 610.021, RSMo. The information collected or assimilated by a community for use in a geographical information system need not be disclosed in a form which may be read or manipulated by computer, absent a license agreement between the community and the person requesting the information.

5. Information collected or assimilated by a community for use in a geographical information system and disclosed in any form, other than in a form which may be read or manipulated by computer, shall be provided for a reasonable fee, as established by section 610.026, RSMo. A community maintaining a geographical information system shall make maps and other products of the system available to the public. The cost of the map or other product shall not exceed a reasonable fee representing the cost to the community of time, equipment and personnel in the production of the map or other product. A community may license the use of a geographical information system. The total cost of licensing a geographical information system may not exceed the cost, as established by section 610.026, RSMo, of the:

(1) Cost to the community of time, equipment and personnel in the production of the information in a geographical information system or the production of the geographical information system; and

(2) Cost to the community of the creation, purchase, or other acquisition of the information in a geographical information system or of the geographical information system.

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6. The provisions of this section shall not hinder the daily or routine collection of data, as defined in section 569.093, RSMo, from the geographical information system by real estate brokers and agents, title collectors, developers, surveyors, utility companies, banks, news media or mortgage companies, nor shall the provisions allow for the charging of fees for the collection of such data exceeding that allowed pursuant to section 610.026, RSMo. The provisions of this section, however, shall allow a community maintaining a geographical information system to license and establish costs for the use of the system's computer program and computer software, as defined in section 569.093, RSMo.

7. A community distributing information used in a geographical information system or distributing a geographical information system shall not be liable for any damages which may arise from any error which may exist in the information or the geographical information system.

**71.014. ANNEXATION BY CERTAIN CITIES UPON REQUEST OF ALL PROPERTY OWNERS IN AREA ANNEXED.** — Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of [nine hundred thousand] **six hundred fifty thousand**, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed.

**72.424. OWNERS OF CERTAIN TRACTS OF LAND LOCATED IN CERTAIN CITIES (INCLUDING EUREKA AND WILDWOOD) MAY, BY AGREEMENT, CHOOSE TO JOIN ONE OR THE OTHER, PROCEDURE — TERMINATION DATE.** — Notwithstanding any other provisions of sections 72.400 to [72.422] **72.423**, any owner of a tract of land of thirty acres or less owned by a single owner and that is located within two or more municipalities, one municipality being a city of the fourth classification with a population between four thousand six hundred and five thousand, and the other municipality being [of the third classification] **a constitutional charter city** with a population between sixteen thousand three hundred and seventeen thousand, and both municipalities located within a county of the first classification having a charter form of government and having a minimum population of nine hundred thousand, may elect which municipality to belong to by agreement of that municipality. Such owner's election shall occur within ninety days of August 28, [1999] **2000**. Such agreement shall consist of the enactment by the governing body of the receiving municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. A copy of said ordinance shall be mailed to the county clerk and to the city clerk and assessor of the contributing municipality before December fifteenth, with such transfer becoming effective the next January first. Such choice of municipalities shall be permanent. Thereafter, all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. This section shall only apply to boundary changes effected after January

1, 1990, and occurring by the incorporation of a municipality. This section shall expire and be of no force and effect on March 1, [2000] **2001**.

**82.300. CERTAIN CITIES MAY ENACT ORDINANCES, PURPOSES, PUNISHMENTS (INCLUDING KANSAS CITY).** — 1. Any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county may enact all needful ordinances for preserving order, securing persons or property from violence, danger and destruction, protecting public and private property and for promoting the general interests and ensuring the good government of the city, and for the protection, regulation and orderly government of parks, public grounds and other public property of the city, both within and beyond the corporate limits of such city; and to prescribe and impose, enforce and collect fines, forfeitures and penalties for the breach of any provisions of such ordinances and to punish the violation of such ordinances by fine or imprisonment, or by both fine and imprisonment; but no fine shall exceed five hundred dollars nor imprisonment exceed twelve months for any such offense, except as provided in subsection 2 of this section.

2. Any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county which operates a publicly owned treatment works in accordance with an approved pretreatment program [under] **pursuant to** the federal Clean Water Act, 33 U.S.C. 1251, et seq. and chapter 644, RSMo, may enact all necessary ordinances which require compliance by an industrial user with any pretreatment standard or requirement. Such ordinances may authorize injunctive relief or the imposition of a fine of at least one thousand dollars but not more than five thousand dollars per violation for noncompliance with such pretreatment standards or requirements. For any continuing violation, each day of the violation shall be considered a separate offense.

**3. Any city with a population of more than four hundred thousand inhabitants may enact all needful ordinances to protect public and private property from illegal and unauthorized dumping and littering, and to punish the violation of such ordinances by a fine not to exceed one thousand dollars or by imprisonment not to exceed twelve months for each offense, or by both such fine and imprisonment.**

**82.1050. LANDLORDS IN CERTAIN CITIES REQUIRED TO REGISTER WITH CITY TO ENSURE SAFETY AND CODE REGULATION COMPLIANCE, REQUIRED INFORMATION — EXPIRATION DATE (INCLUDING KANSAS CITY AND ST. LOUIS).** — 1. **Beginning January 1, 2001, any landlord who leases real property located in any city with a population of more than four hundred thousand inhabitants shall submit a registration form to the governing body of such city pursuant to this section.**

2. The registration form shall be developed by the governing body of such city and shall contain:

(1) The name, personal address, business address and telephone numbers of the landlord;

(2) The address of each property located in the city that is owned and leased by the landlord; and

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(3) The name, address and phone number of a person who will serve as a legal representative of the landlord for purposes of receiving public safety violations, code violations or other violations of any kind involving the property listed pursuant to subdivision (2) of this subsection. In the event no legal representative is named pursuant to this subdivision, the landlord shall serve as his or her own legal representative for purposes of this subdivision.

3. The city shall compile the registration forms submitted pursuant to this section for the purposes of ensuring greater efficiency in compliance with, and enforcement of, local public safety and code regulations. On or before July 1, 2002, and on or before every July first thereafter, the city shall issue a report to the governor, the speaker of the house of representatives and the president pro tempore of the senate as to the effectiveness of the compilation of the forms in ensuring greater efficiency in compliance with, and enforcement of, public safety and code regulations.

4. This section shall be of no force and effect on or after January 1, 2006.

**92.031. ANNUAL TAX FOR DEBT SERVICE, RATE — (KANSAS CITY). —** 1. Such cities may, in the alternative to imposing the levies for debt service and for capital improvements and operating expenses for hospital, public health, recreation grounds and museum purposes as provided for in section 92.030, elect by ordinance to levy and impose an annual tax for debt service [which tax levy shall be in addition to and independent of the] **and an annual tax [levy] for capital improvements and operating expenses for hospital, public health, recreation grounds and museum purposes [provided for] such as are referred in subdivisions (1), (2) and (3) of subsection 2 of section 92.030, which tax levies shall be independent of the other tax levies provided for in section 92.030.**

2. In the event such cities make such election, the **limits on individual and total annual tax levy rate [for debt service] referred to in subdivisions (1), (2) and (3) of subsection 2 of section 92.030 [shall be treated as zero for the purpose of calculating the additional tax levy rate authorized] for debt service and for capital improvements and operating expenses for hospital, public health, recreation grounds and museum purposes shall not apply. [Such authorized] The tax levy rate for capital improvements and operating expenses for hospital, public health, recreation grounds and museum purposes** may be increased from its current rate to a rate not to exceed one dollar per hundred dollars assessed valuation by submission to and approval by a vote of the people.

**99.053. APPOINTMENT OF ADDITIONAL HOUSING COMMISSIONER AUTHORIZED WHERE NECESSARY TO COMPLY WITH FEDERAL LAW. —** 1. Notwithstanding any provision of section 99.050 to the contrary regarding the number of housing commissioners, in any political subdivision except those described in subsection 2 of this section, a sixth housing commissioner may be appointed. Such a commissioner may be appointed, in the same manner as other appointees pursuant to section 99.050, if the housing authority determines that such a commissioner is needed to fulfill any federal requirement stating that at least one person who receives direct assistance from the housing authority shall serve as

a commissioner. Any commissioner appointed to serve as a commissioner for the purposes of meeting the requirement of having a person who is directly assisted by the housing authority shall forfeit such appointment if that person:

(1) Ceases to meet the requirements of housing commissioners pursuant to section 99.050; or

(2) Ceases receiving direct assistance from the housing authority for which he or she is a commissioner.

2. The provisions of this section shall not apply to those housing authorities:

(1) Located within a city not within a county;

(2) Located within a city with a population of over four hundred thousand inhabitants;

(3) Which are exempted, pursuant to federal law or regulation, from any federal requirement stating that at least one person who receives direct assistance from the housing authority shall serve as a commissioner.

**100.331. COMMISSIONERS, NUMBER REDUCED, APPOINTMENT, TERMS, QUALIFICATIONS, VACANCIES — CONSOLIDATION PLAN AUTHORIZED (ST. LOUIS CITY).** — 1. Notwithstanding the provisions of section 100.330 or any other provision of law to the contrary, beginning August 28, 2000, the number of commissioners in any city not within a county shall be five; provided that, by the process of attrition the number of commissioners shall be reduced from fifteen to five by the expiration of the terms of currently serving commissioners and nonreplacement of any vacancies. Commissioners shall be appointed for a term of four years each. All commissioners shall be appointed by the mayor of any such city, shall be taxpayers of the city, and shall have resided in the city for five years immediately prior to their appointment. All vacancies shall be filled by the mayor of the city for the unexpired term, subsequent to the time the number of commissioners is reduced to five by attrition.

2. At any time, the governing body of a city not within a county may adopt a plan of consolidation to combine the planned industrial expansion authority of such city with the land reutilization authority of such city.

**135.355. ELIGIBILITY STATEMENT MUST BE FILED WITH TAX RETURN, FAILURE TO COMPLY, EFFECT — FEDERAL REQUIREMENT TO RECAPTURE, STATE REQUIRES TO RECAPTURE, AMOUNT.** — 1. The owner of a qualified Missouri project eligible for the Missouri low-income housing tax credit shall submit, at the time of filing the owner's return, an eligibility statement. In the case of failure to attach the eligibility statement, no credit under this section shall be allowed with respect to such project for that year until these copies are provided to the department of revenue.

2. If under section 42 of the 1986 Internal Revenue Code, as amended, a portion of any federal low-income housing credits taken on a low-income project is required to be recaptured **only during the first ten years after a project is placed in service**, the taxpayer claiming state credits with respect to such project shall also be required to recapture a portion of any state credits authorized by this section. The state recapture amount shall be equal to the proportion of the state credit claimed by the

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taxpayer that equals the proportion the federal recapture amount bears to the original federal low-income housing credit amount subject to recapture.

**135.481. TAXPAYERS INCURRING ELIGIBLE COSTS ENTITLED TO TAX CREDIT, AMOUNT, QUALIFICATIONS.** — 1. (1) Any taxpayer who incurs eligible costs for a new residence located in a distressed community or within a census block group as described in subdivision (10) of section 135.478, **or for a multiple unit condominium described in subdivision (2) of this subsection**, shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed forty thousand dollars per new residence in any ten-year period.

(2) **For the purposes of this section, a multiple unit condominium is one that is intended to be owner occupied, which is constructed on property subject to an industrial development contract as defined in section 100.310, RSMo, and which lies within an area with a city zoning classification of urban redevelopment district established after January 1, 2000, and before December 31, 2001, and which is constructed in connection with the qualified rehabilitation of a structure more than ninety years old eligible for the historic structures rehabilitation tax credit described in sections 253.545 to 253.559, RSMo, and is under way by January 1, 2000, and completed by January 1, 2002.**

2. Any taxpayer who incurs eligible costs for a new residence located within a census block as described in subdivision (6) of section 135.478 shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed twenty-five thousand dollars per new residence in any ten-year period.

3. Any taxpayer who is not performing substantial rehabilitation and who incurs eligible costs for rehabilitation of an eligible residence or a qualifying residence shall receive a tax credit equal to twenty-five percent of such costs against his or her tax liability. The minimum eligible costs for rehabilitation of an eligible residence shall be ten thousand dollars. The minimum eligible costs for rehabilitation of a qualifying residence shall be five thousand dollars. The tax credit shall not exceed twenty-five thousand dollars in any ten-year period.

4. Any taxpayer who incurs eligible costs for substantial rehabilitation of a qualifying residence shall receive a tax credit equal to thirty-five percent of such costs against his or her tax liability. The minimum eligible costs for substantial rehabilitation of a qualifying residence shall be ten thousand dollars. The tax credit shall not exceed seventy thousand dollars in any ten-year period.

5. A taxpayer shall be eligible to receive tax credits for new construction or rehabilitation pursuant to only one subsection of this section.

6. No tax credit shall be issued pursuant to this section for any structure which is in violation of any municipal or county property, maintenance or zoning code.

7. No tax credit shall be issued pursuant to sections 135.475 to 135.487 for the construction or rehabilitation of rental property.

**139.053. PROPERTY TAXES, HOW PAID — ESTIMATES — INTEREST — REFUNDS.** — 1. The governing body of any county, excluding township counties, may by ordinance or order provide for the payment of all or any part of current real and

personal property taxes which are owed, at the option of the taxpayer, on an annual, semiannual or quarterly basis at such times as determined by such governing body.

2. The ordinance shall provide the method by which the amount of property taxes owed for the current tax year in which the payments are to be made shall be estimated. The collector shall submit to the governing body the procedures by which taxes will be collected pursuant to the ordinance or order. The estimate shall be based on the previous tax year's liability. A taxpayer's payment schedule shall be based on the estimate divided by the number of pay periods in which payments are to be made. The taxpayer shall at the end of the tax year pay any amounts owed in excess of the estimate for such year. The county shall at the end of the tax year refund to the taxpayer any amounts paid in excess of the property tax owed for such year. No interest shall be paid by the county on excess amounts owed to the taxpayer. Any refund paid the taxpayer pursuant to this subsection shall be an amount paid by the county only once in a calendar year.

3. If a taxpayer fails to make an installment payment of a portion of the real or personal property taxes owed to the county, then such county may charge the taxpayer interest on the [entire] amount of [such] property taxes **still** owed for that year.

4. Any governing body enacting the ordinance or order specified in this section shall first agree to provide the county collector with reasonable and necessary funds to implement the ordinance or order.

**140.110. COLLECTION OF BACK TAXES, PAYMENTS APPLIED, HOW, EXCEPTIONS — REMOVAL OF LIEN.** — 1. The collectors of the respective counties shall collect the taxes contained in the back tax book. Any person interested in or the owner of any tract of land or lot contained in the back tax book may redeem the tract of land or town lot, or any part thereof, from the state's lien thereon, by paying to the proper collector the amount of the original taxes, as charged against the tract of land or town lot described in the back tax book together with interest from the day upon which the tax first became delinquent at the rate specified in section 140.100.

2. Any payment for personal [or real] property taxes received by the county collector shall first be applied to any back delinquent personal taxes [and to each individual parcel of real estate] on the back tax book before a county collector accepts any payment for all or any part of [real or] personal property taxes due and assessed on the current tax book.

**3. Any payment for real property taxes received by the county collector shall first be applied to back delinquent taxes on the same individual parcel of real estate on the back tax book before a county collector accepts payment for real property taxes due and assessed on the current tax book.**

**4. Subsection 3 of this section shall not apply to payment for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations which they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal Regulations.**

**140.160. LIMITATION OF ACTIONS, EXCEPTIONS — COUNTY AUDITOR TO FURNISH DELINQUENT TAX LIST.** — 1. No proceedings for the sale of land and lots for delinquent taxes [under the provisions of] **pursuant to** this chapter, relating to the

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collection of delinquent and back taxes and providing for foreclosure sale and redemption of land and lots therefor, shall be valid unless initial proceedings therefor shall be commenced within three years after delinquency of such taxes, and any sale held pursuant to initial proceedings commenced within such period of three years shall be deemed to have been in compliance with the provisions of said law insofar as the time at which such sales are to be had is specified therein; provided further, that in suits or actions to collect delinquent drainage and/or levee assessments on real estate such suits or actions shall be commenced within three years after delinquency, otherwise no suit or action therefor shall be commenced, had or maintained, **except that the three-year limitation described in this subsection shall not be applicable if any written instrument conveys any real estate having a tax-exempt status, if such instrument causes such real estate to again become taxable real property and if such instrument has not been recorded in the office of the recorder in the county in which the real estate has been situated. Such three-year limitation shall only be applicable once the recording of the title has occurred.**

2. In order to enable county and city collectors to be able to collect delinquent and back taxes, the county auditor in all counties having a county auditor shall annually audit and list all delinquent and back taxes and provide a copy of such audit and list to the county collector and to the governing body of the county. A copy of the audit and list may be provided to city collectors within the county at the discretion of the county collector.

**141.220. DEFINITIONS (FIRST CLASS CHARTER COUNTIES, AND CLAY AND BUCHANAN COUNTIES).** — The following words, terms and definitions, when used in sections 141.210 to 141.810, shall have the meanings ascribed to them in this section, except where the text clearly indicates a different meaning:

(1) "Appraiser" shall mean [an independent] **a state licensed or certified** appraiser not an employee of the collector or collection authority;

(2) "Collector" shall mean the collector of the revenue in any county affected by sections 141.210 to 141.810;

(3) "County" shall mean any county of **the first** class [one] in this state **having a charter form of government**, [except counties] **any county** of the first class not having a charter form of government[, which is now operating under the provisions of sections 141.210 to 141.810, or which may hereafter elect to do so in accordance with the provisions of section 141.230] **with a population of at least one hundred fifty thousand but less than one hundred sixty thousand and any county of the first class not having a charter form of government with a population of at least eighty-two thousand but less than eighty-five thousand;**

(4) "Court" shall mean the circuit court of any county affected by sections 141.210 to 141.810;

(5) "Delinquent land tax attorney" shall mean a licensed attorney at law, employed or designated by the collector as hereinafter provided;

(6) "Land taxes" shall mean taxes on real property or real estate and shall include the taxes both on land and the improvements thereon;

(7) "Land trustees" and "land trust" shall mean the land trustees and land trust as the same are created by and described in section 141.700;

(8) "Municipality" shall include any incorporated city or town, or a part thereof, located in whole or in part within a county of class one, which municipality now has or which may hereafter contain a population of two thousand five hundred inhabitants or more, according to the last preceding federal decennial census;

(9) "Person" shall mean any individual, male or female, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver or trustee appointed by any state or federal court, trustee otherwise created, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(10) "School district", "road district", "water district", "sewer district", "levee district", "drainage district", "special benefit district", "special assessment district", or "park district" shall include those located within a county as such county is described in subdivision (3) of this section;

(11) "Sheriff" and "circuit clerk" shall mean the sheriff and circuit clerk, respectively, of any county affected by sections 141.210 to 141.810;

(12) "Tax bill" as used in sections 141.210 to 141.810 shall represent real estate taxes and the lien thereof, whether general or special, levied and assessed by any taxing authority;

(13) "Tax district" shall mean the state of Missouri and any county, municipality, school district, road district, water district, sewer district, levee district, drainage district, special benefit district, special assessment district, or park district, located in any municipality or county as herein described;

(14) "Tax lien" shall mean the lien of any tax bill as defined in subdivision (12) of this section;

(15) "Taxing authority" shall include any governmental, managing, administering or other lawful authority, now or hereafter empowered by law to issue tax bills, the state of Missouri or any county, municipality, school district, road district, water district, sewer district, levee district, drainage district, special benefit district, special assessment district, or park district, affected by sections 141.210 to 141.810.

**141.540. PLACE OF SALE — FORM OF ADVERTISEMENT — NOTICE TO BE POSTED ON LAND AND SENT TO CERTAIN PERSONS, PROCEDURE (FIRST CLASS CHARTER COUNTIES, AND CLAY AND BUCHANAN COUNTIES).** — 1. In any county [having more than one courthouse] at a certain front door of [which] **whose courthouse** sales of real estate are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell the respective parcels of real estate ordered sold by him **or her** pursuant to any judgment of foreclosure by any court [under] **pursuant to** sections 141.210 to 141.810 at any of [said] **such** courthouses, but the sale of such parcels of real estate shall be held at the same front door as sales of real estate are customarily made by the sheriff under execution.

2. Such advertisements may include more than one parcel of real estate, and shall be in substantially the following form:

NOTICE OF SHERIFF'S SALE  
UNDER JUDGMENT OF  
FORECLOSURE OF LIENS FOR  
DELINQUENT LAND TAXES

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No. ....  
 In the Circuit Court of .....  
 County, Missouri.  
 In the Matter of Foreclosure of Liens  
 for Delinquent Land Taxes  
 Collector of Revenue of .....  
 County, Missouri,  
 Plaintiff,  
 — vs. —  
 Parcels of Land encumbered with  
 Delinquent Tax Liens,  
 Defendants.

WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest, penalties, attorney's fees and costs with the serial numbers of each parcel of real estate, the description thereof, the name of the person appearing in the petition in the suit, and the total amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and costs, all as set out in said judgment and described in each case, respectively, as follows: (Here set out the respective serial numbers, descriptions, names and total amounts of each judgment, next above referred to.) and,

WHEREAS, such judgment orders such real estate sold by the undersigned sheriff, to satisfy the total amount of such judgment, including interest, penalties, attorney's fees and costs,

NOW, THEREFORE,

Public Notice is hereby given that I ....., Sheriff of ..... County, Missouri, will sell such real estate, parcel by parcel, at public auction, to the highest bidder, for cash, between the hours of nine o'clock A.M. and five o'clock P.M., at the ..... front door of the ..... County Courthouse in ....., Missouri, on ....., the ..... day of ....., [19] **20..**, and continuing from day to day thereafter, to satisfy the judgment as to each respective parcel of real estate sold. If no acceptable bids are received as to any parcel of real estate, said parcel shall be sold to the Land Trust of ..... **(insert name of County)**, Missouri.

Any bid received shall be subject to confirmation by the court.

.....  
 Sheriff of .....  
 County,  
 Missouri.

.....  
 Delinquent Land Tax Attorney

Address: .....

First Publication .....,

[19] **20..**

3. Such advertisement shall be published four times, once a week, upon the same day of each week during successive weeks prior to the date of such sale, in a daily newspaper of general circulation regularly published in the county, qualified according to law for the publication of public notices and advertisements.

4. In addition to the provisions herein for notice and advertisement of sale, the county collector shall enter upon the property subject to foreclosure of these tax liens and post a written informational notice in any conspicuous location thereon. This notice shall describe the property and advise that it is the subject of delinquent land tax collection proceedings before the circuit court brought pursuant to sections 141.210 to 141.810 and that it may be sold for the payment of delinquent taxes at a sale to be held at [a specific time] **ten o'clock a.m.**, date and place, and shall also contain a file number and the address and phone number of the collector. If the collector chooses to post such notices as authorized by this subsection, such posting must be made not later than the fourteenth day prior to the date of the sale.

5. The collector shall, concurrently with the beginning of the publication of sale, cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the persons named in the petition as being the last known persons in whose names tax bills affecting the respective parcels of real estate described in said petition were last billed or charged on the books of the collector, or the last known owner of record, if different, and to the addresses of said persons upon said records of the collector. The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any person who, from such records, appears as a successor to the person to whom the original notice was addressed, and to cause another notice to be mailed to such person. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected of any such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, or in the event that any name or address does not appear on the records of the collector, then of that fact. The affidavit in addition to the recitals set forth above shall also state reason for the nondelivery of such notice.

6. The collector may, at his **or her** option, concurrently with the beginning of the publication of sale, cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the mortgagee or security holder, if known, of the respective parcels of real estate described in said petition, and to the addressee of [said] **such** mortgagee or security holder according to the records of the collector. The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by

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the postal authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any security holder who, from such records, appears as a successor to the security holder to whom the original notice was addressed, and to cause another notice to be mailed to such security holder. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected by any such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, and stating the reason for the nondelivery of such notice.

**141.550. CONDUCT OF SALE — INTERESTS CONVEYED — SPECIAL SALE PROCEDURES FOR CERTAIN COUNTIES, CERTAIN OWNERS PROHIBITED FROM BIDDING — COST OF PUBLICATION (FIRST CLASS CHARTER COUNTIES, AND CLAY AND BUCHANAN COUNTIES).** — 1. The sale shall be conducted, the sheriff's return thereof made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 141.210 to 141.810, and provided that such sale need not occur during the term of court or while the court is in session.

2. The following provisions shall apply to any sale [under] **pursuant to** this section of property located within any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand:

(1) The sale shall be held on the day for which it is advertised, between the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day thereafter to satisfy the judgment as to each respective parcel of real estate sold;

(2) The sale shall be conducted publicly, by auction, for ready money. The highest bidder shall be the purchaser unless the highest bid is less than the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon. No person shall be eligible to bid at the time of the sale [if that] **unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of the official charged by law with conducting the sale that he or she is not the owner of any parcel of real estate in the county which is affected by a tax bill which has been delinquent for more than six months and is not the owner of any parcel of real property with two or more violations of the municipality's building or housing codes. A prospective bidder may make such a demonstration by presenting statements from the appropriate collection and code enforcement officials of the municipality.**

3. Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way thereon of public utilities upon which tax has been otherwise paid, and subject to the lien thereon, if any, of the United States of America.

4. The collector shall advance the sums necessary to pay for the publication of all advertisements required by sections 141.210 to 141.810 and shall be allowed credit therefor in his **or her** accounts with the county. [He] **The collector** shall give credit in such accounts for all such advances recovered by him **or her**. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs herein enumerated, including the costs of publication, shall constitute any lien upon the real estate after such sale.

**[141.550. CONDUCT OF SALE — INTERESTS CONVEYED — SPECIAL SALE PROCEDURES FOR CERTAIN COUNTIES, CERTAIN OWNERS PROHIBITED FROM BIDDING — COST OF PUBLICATION (FIRST CLASS CHARTER COUNTIES, AND CLAY AND BUCHANAN COUNTIES). —** 1. The sale shall be conducted, the sheriff's return of the sale made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 141.210 to 141.810, and provided that such sale need not occur during the term of court or while the court is in session.

2. The sale shall be held on the day for which it is advertised, between the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day thereafter to satisfy the judgment as to each respective parcel of real estate sold.

3. The sale shall be conducted publicly, by auction, for ready money. The highest bidder shall be the purchaser unless the highest bid is less than the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due on the real estate. No person shall be eligible to bid on a parcel at the time of the sale if such person is the owner of any other parcel of real estate in the county which is affected by a delinquent tax bill.

4. Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way thereon of public utilities upon which tax has been otherwise paid, and subject to the lien on the real estate, if any, of the United States of America.

5. The collector shall advance the sums necessary to pay for the publication of all advertisements required by sections 141.210 to 141.810 and shall be allowed credit therefor in the collector's accounts with the county. The collector shall give credit in such accounts for all such advances recovered by the collector. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs enumerated in this section, including the costs of publication, shall constitute any lien upon the real estate after such sale.]

**141.610. COURT ADMINISTRATOR'S, SHERIFF'S DEED, EFFECT — ACTION TO SET ASIDE, LIMITATIONS (FIRST CLASS CHARTER COUNTIES). —** Each **court administrator's or** sheriff's deed given pursuant to the provisions of the land tax collection law shall be presumptive evidence that the suit and all proceedings therein and all proceedings prior thereto from and including assessment of the lands affected thereby and all notices required by law were regular and in accordance with all

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provisions of the law relating thereto. After two years from the date of the recording of such **court administrator's or** sheriff's deed, the presumption shall be conclusive[, unless at the time that this section takes effect the two-year period since the recording of such sheriff's deed has expired, or less than six months of such period of two years remains unexpired, in which latter case the presumption shall become conclusive six months after] **pursuant to** sections 141.210 to 141.810 [take effect]. **Notwithstanding section 516.010, RSMo**, no suit to set aside or to attack the validity of any such **court administrator's or** sheriff's deed shall be commenced or maintained unless the suit is filed [prior to the time that the presumption becomes conclusive, as aforesaid] **within two years from the date the court administrator's or sheriff's deed is recorded.**

**144.757. LOCAL USE TAX TO FUND COMMUNITY COMEBACK PROGRAM — RATE OF TAX — ST. LOUIS COUNTY — BALLOT OF SUBMISSION — NOTICE TO DIRECTOR OF REVENUE — REPEAL OR REDUCTION OF LOCAL SALES TAX, EFFECT ON LOCAL USE TAX.** — 1. Any county or municipality, except municipalities within a county of the first classification having a charter form of government with a population in excess of nine hundred thousand may, by a majority vote of its governing body, impose a local use tax if a local sales tax is imposed as defined in section 32.085, RSMo, at a rate equal to the rate of the local sales tax in effect in such county or municipality; provided, however, that no ordinance or order enacted pursuant to [the authority granted by the provisions of this act] **sections 144.757 to 144.761** shall be effective unless the governing body of the county or municipality submits to the voters thereof at a municipal, county or state general, primary or special election prior to August 7, 1996, or after December 31, 1996, a proposal to authorize the governing body of the county or municipality to impose a local use tax [under the provisions of this act] **pursuant to sections 144.757 to 144.761**. Municipalities within a county of the first classification having a charter form of government with a population in excess of nine hundred thousand may, upon voter approval received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, impose a local use tax at the same rate as the local municipal sales tax with the revenues from all such municipal use taxes to be distributed pursuant to subsection 4 of section 94.890, RSMo. The municipality shall within thirty days of the approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section select one of the distribution options permitted in subsection 4 of section 94.890, RSMo, for distribution of all municipal use taxes.

2. (1) The ballot of submission except for counties and municipalities described in subdivisions (2) and (3) of this subsection, shall contain substantially the following language:

Shall the ..... (county or municipality's name) impose a local use tax at the same rate as the total local sales tax rate, currently ..... (insert percent), provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(2) (a) The ballot of submission in a county of the first classification having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

[Shall the county governing body be authorized to impose a local use tax which is equal to the total of the existing county sales tax of one percent and the existing county transportation sales taxes of three-quarters of one percent, provided that if any county sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.] **For the purposes of preventing neighborhood decline, demolishing old deteriorating and vacant buildings, rehabilitating historic structures, cleaning polluted sites, promoting reinvestment in neighborhoods by creating the (name of county) Community Comeback Program; and for the purposes of enhancing local government services; shall the county governing body be authorized to collect a local use tax equal to the total of the existing county sales tax rate of (insert tax rate), provided that if the county sales tax is repealed, reduced or raised by voter approval, the local use tax rate shall also be repealed, reduced or raised by the same voter action? The Community Comeback Program shall be required to submit to the public a comprehensive financial report detailing the management and use of funds each year.**

**A use tax is the equivalent of a sales tax on purchases from out-of-state sellers by in-state buyers and on certain taxable business transactions. A use tax return shall not be required to be filled by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.**

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(b) The ballot of submission in a municipality within a county of the first classification having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

Shall the municipality be authorized to impose a local use tax at the same rate as the local sales tax by a vote of the governing body, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(3) The ballot of submission in any city not within a county shall contain substantially the following language:

Shall the ..... (city name) impose a local use tax at the same rate as the local sales tax, currently at a rate of ..... (insert percent) which includes the capital

improvements sales tax and the transportation tax, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(4) If any of such ballots are submitted on August 6, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the director of revenue receives notice of adoption of the local use tax on or before August 16, 1996. If any of such ballots are submitted after December 31, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the calendar quarter which begins at least forty-five days after the director of revenue receives notice of adoption of the local use tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall have no power to impose the local use tax as herein authorized unless and until the governing body of the county or municipality shall again have submitted another proposal to authorize the governing body of the county or municipality to impose the local use tax [under the provisions of this act] **pursuant to sections 144.757 to 144.761** and such proposal is approved by a majority of the qualified voters voting thereon.

3. The local use tax may be imposed at the same rate as the local sales tax then currently in effect in the county or municipality upon all transactions which are subject to the taxes imposed [under] **pursuant to** sections 144.600 to 144.745 within the county or municipality adopting such tax; provided, however, that if any local sales tax is repealed or the rate thereof is reduced or raised by voter approval, the local use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the local sales tax.

**4. For purposes of sections 144.757 to 144.761 and sections 67.478 to 67.493, RSMo, the use tax may be referred to or described as the equivalent of a sales tax on purchases made from out-of-state sellers by in-state buyers and on certain intrabusiness transactions. Such a description shall not change the classification, form or subject of the use tax or the manner in which it is collected.**

**144.759. COLLECTION OF ADDITIONAL LOCAL USE TAX FOR COMMUNITY COMEBACK PROGRAM — DEPOSIT IN LOCAL USE TAX TRUST FUND, NOT PART OF STATE REVENUE — DISTRIBUTION TO COUNTIES AND MUNICIPALITIES — REFUNDS — NOTIFICATION TO DIRECTOR OF REVENUE ON ABOLISHMENT OF TAX. — 1.** All local use taxes collected by the director of revenue [under this act] **pursuant to sections 144.757 to 144.761** on behalf of any county or municipality, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be

deposited with the state treasurer in a local use tax trust fund, which fund shall be separate and apart from the local sales tax trust funds. The moneys in such local use tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county or municipality imposing a local use tax, and the records shall be open to the inspection of officers of the county or municipality and to the public. No later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month, except as provided in subsection 2 of this section, to the county or municipality treasurer, or such other officer as may be designated by the county or municipality ordinance or order, of each county or municipality imposing the tax authorized by [this act] **sections 144.757 to 144.761**, the sum due the county or municipality as certified by the director of revenue.

2. The director of revenue shall distribute all moneys which would be due any county of the first classification having a charter form of government and having a population of nine hundred thousand or more to the county treasurer or such other officer as may be designated by county ordinance, who shall distribute such moneys as follows: the portion of the use tax imposed by the county which equals **one-half** the rate of sales tax [levied pursuant to section 94.660, RSMo,] **in effect for such county** shall be disbursed to the [bi-state agency authorized pursuant to sections 70.370 to 70.441, RSMo, to be used only to provide the local share of construction costs for additional light rail lines] **county community comeback trust authorized pursuant to sections 67.478 to 67.493, RSMo**. The treasurer or such other officer as may be designated by county ordinance shall distribute one-third of the balance to the county and to each city, town and village in group B according to section 66.620, RSMo, as modified by this section, a portion of the remainder of such balance equal to the percentage ratio that the population of each such city, town or village bears to the total population of all such group B cities, towns and villages. For the purposes of this subsection, population shall be determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purposes of this subsection, each city, town or village in group A according to section 66.620, RSMo, but whose per capita sales tax receipts during the preceding calendar year pursuant to sections 66.600 to 66.630, RSMo, were less than the per capita countywide average of all sales tax receipts during the preceding calendar year, shall be treated as a group B city, town or village until the per capita amount distributed to such city, town or village equals the difference between the per capita sales tax receipts during the preceding calendar year and the per capita countywide average of all sales tax receipts during the preceding calendar year.

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties or municipalities. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible

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refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

4. Except as modified in [this act] **sections 144.757 to 144.761**, all provisions of sections 32.085 and 32.087, RSMo, applicable to the local sales tax, except for subsection 12 of section 32.087, RSMo, and all provisions of sections 144.600 to 144.745 shall apply to the tax imposed [under this act] **pursuant to sections 144.757 to 144.761**, and the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax.

**144.761. REPEAL OR AMENDMENT OF LOCAL USE TAX — EFFECT ON LOCAL USE TAX OF REPEAL OF LOCAL SALES TAX — PETITION TO REPEAL LOCAL USE TAX — BALLOT MEASURE ON REPEAL OF LOCAL USE TAX. — 1.** No county or municipality imposing a local use tax pursuant to [this act] **sections 144.757 to 144.761** may repeal or amend such local use tax unless such repeal or amendment is submitted to and approved by the voters of the county or municipality in the manner provided in section 144.757; provided, however, that the repeal of the local sales tax within the county or municipality shall be deemed to repeal the local use tax imposed [under this act] **pursuant to sections 144.757 to 144.761**.

2. Whenever the governing body of any county or municipality in which a local use tax has been imposed in the manner provided by [this act] **sections 144.757 to 144.761** receives a petition, signed by fifteen percent of the registered voters of such county or municipality voting in the last gubernatorial election, calling for an election to repeal such local use tax, the governing body shall submit to the voters of such county or municipality a proposal to repeal the county or municipality use tax imposed [under the provisions of this act] **pursuant to sections 144.757 to 144.761**. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along with any amendments thereto, shall remain in effect.

**249.470. DISTRICTS TO BE ESTABLISHED BY RESOLUTION OF COMMISSION — COUNTYWIDE SEWER DISTRICTS, WHEN. — 1.** The county commission, after receiving the recommendations of the sewer engineer, may, by resolution, establish the boundaries of the sewer district or districts including therein only such lots, tracts and parcels of ground which may be conveniently served by a sewer, except that whenever the commission of a county of the first classification without a charter form of government deems that a countywide wastewater treatment authority would best serve the needs of such county, the commission may establish a countywide sewer district which shall be subject to the provisions of sections 249.430 to 249.660. The action

of the county commission in determining the boundaries of said sewer districts shall be conclusive, provided that, except as otherwise provided in this section, no ground shall be included in a sewer district not contained in the natural drainage area or watercourse, or may be conveniently served through said sewer.

**2. For each countywide wastewater treatment authority established pursuant to this section, the county commission of such county shall, by resolution, order, or ordinance, appoint five trustees, all of whom shall reside within the county. In the event there is more than one district within the county organized pursuant to this chapter, no less number of the trustees so appointed shall reside within the district having the greatest number of customers than reside in any other such district in the county. The trustees, whose terms shall begin on the date the authority is established, shall be responsible for the control and operation of the countywide wastewater treatment authority and shall have the same powers and duties as the county commission as provided in this chapter. The term of each trustee shall be five years, except that, of the first board appointed, one member shall serve for one year, one member shall serve for two years, one member shall serve for three years, one member shall serve for four years, and one member shall serve for five years. All vacancies after the initial appointment shall be filled by the county commission. The trustees shall be reimbursed by the district for all reasonable expenses incurred in the performance of their duties, which amount shall not exceed the sum of twenty-five dollars per month.**

**260.210. PROHIBITED ACTS, EXCEPTION — SEARCH WARRANTS TO ISSUE, WHEN — INVESTIGATIONS, DEPARTMENT MAY CONDUCT, HOW — DEMOLITION WASTE, DISPOSAL OF, REQUIREMENTS — BUILDING PERMITS, NOTICE OF DISPOSAL OF DEMOLITION WASTE REQUIRED, FORM — EXCEPTIONS — EXCEPTIONS FOR KANSAS CITY.**— 1. It is unlawful for any person to:

(1) Dump or deposit, or permit dumping or depositing of any solid wastes onto the surface of the ground or into streams, springs, and all bodies of surface or ground water, whether natural or artificial, within the boundaries of the state except in a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided[, ] that, this [provision] **subdivision** shall not prohibit the use or require a permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect the public health, and shall not prohibit the disposal of or require a permit for the disposal by an individual of solid wastes resulting from his **or her** own residential activities on property owned or lawfully occupied by him **or her** when such wastes do not thereby create a public nuisance or adversely affect the public health;

(2) Construct or alter a solid waste processing facility or solid waste disposal area of a solid waste management system without approval from the department;

(3) Conduct any solid waste burning operations in violation of the rules and regulations of the Missouri air conservation commission or the department;

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(4) Except as otherwise provided, store, collect, transport, process, or dispose of solid waste in violation of the rules, regulations or orders of the department or in such a manner as to create a public nuisance or adversely affect the public health; or

(5) Refuse entry or access, requested for purposes of inspecting solid waste processing facilities or solid waste disposal areas, to an agent or employee of the department who presents appropriate credentials, or hinder the agent or employee in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any circuit or associate circuit judge having jurisdiction to any such agent or employee for the purpose of enabling him to make such inspection.

2. Information obtained from waste disposed or deposited in violation of this section may be a rebuttable presumption that the person so identified committed the violation of sections 260.200 to 260.345. If the operator or passenger of any vehicle is witnessed by a peace officer or employee of the department of natural resources to have violated the provisions of this section and the identity of the operator is not determined or otherwise apparent, it may be a rebuttable presumption that the person in whose name such vehicle is registered committed the violation.

3. No person shall be held responsible [under the provisions of] **pursuant to** this section for the dumping or depositing of any solid waste on land owned or lawfully occupied by him **or her** without his **or her** express or implied consent, permission or knowledge.

4. The department shall investigate reports of the dumping or depositing of solid waste or demolition waste in a manner contrary to the requirements of sections 260.200 to 260.345. The department shall immediately issue a cease and desist order if it determines that any person has been or is dumping or depositing solid waste or demolition waste, or has allowed the dumping or disposal of solid waste or demolition waste or has received compensation for same, in a manner contrary to sections 260.200 to 260.345. The department shall order the owner of the property or the person placing solid waste or demolition waste thereon, or both, to remove all solid waste from the premises if it determines that the waste might be reasonably expected to cause a public nuisance or health hazard.

5. The department shall order a site cleaned up pursuant to the provisions of section 260.230, when it determines that the property owner or the operator has accepted remuneration or otherwise benefited financially for placing solid waste or demolition waste in or on the site in contravention of this section. Persons who knowingly haul solid waste or demolition waste to a site which is operating without a permit, persons who operate such a site and persons who own the property where the solid waste or demolition waste is being dumped or deposited shall be jointly and severally liable for cleanup costs and any damage to third parties caused by the dumping or disposing of solid waste or demolition waste on the property if the owner or operator has accepted remuneration or otherwise benefited financially from such disposal. The provisions of sections 260.230 and 260.240, relating to the issuance of orders, shall be applicable to an action [under] **pursuant to** this section. Any person aggrieved by any action of the department [under] **pursuant to** this section may appeal in the manner provided in section 260.235. Any person may bring civil action for

actual and exemplary damages against the responsible party if the person has sustained injury due to violations of this section.

6. **Notwithstanding subsection 1 of section 260.250, any solid waste disposal area or solid waste processing facility serving a city with a population of more than four hundred thousand inhabitants may accept yard waste commingled with solid waste that results from an illegal dump cleanup activity or program conducted by the local government of such city pursuant to this section. The local government of such city shall provide certification to the solid waste disposal area or solid waste processing facility that the origin of the yard waste is from the clean up of illegally dumped solid waste.**

7. Any person who engages in building construction, modification or in construction, modification or demolition which produces demolition waste, in types and quantities established by the department, shall dispose of such waste in a demolition or sanitary landfill or other authorized sites as provided by rule. Each such person shall maintain records of sites used for demolition disposal for a period of one year. These records shall be made available to the department upon request.

[7.] 8. Cities and counties which issue building permits shall reprint the following on each permit or on a separate notice:

"Notice: The disposal of demolition waste is regulated by the department of natural resources [under] **pursuant to** chapter 260, RSMo. Such waste, in types and quantities established by the department, shall be taken to a demolition landfill or a sanitary landfill for disposal."

[8.] 9. A demolition landfill may accept clean fill, waste resulting from building or demolishing structures and all other waste not required to be placed in a sanitary landfill or a hazardous waste disposal facility for final disposition.

[9.] 10. Notwithstanding subsection [6] 7 of this section, certain wastes may be disposed of as provided by this subsection:

(1) A person engaged in any activity which produces clean fill may use such material for fill, reclamation or other beneficial purposes on his **or her** own property or on the property of another person with the permission of the owner of such property, provided that such use does not violate any state law or local ordinance or order;

(2) A person engaged in any activity which produces wood waste may reuse or recycle such waste or may dispose of wood waste on the site where generated if such disposal is in compliance with applicable state law or local ordinances or orders;

(3) A person who engages in clearance, trimming or removal of trees, brush or other vegetation may use wood wastes from such activities for beneficial purposes including, but not limited to, firewood, ground cover, erosion control, mulch, compost or cover for wildlife.

**353.020. DEFINITIONS.** — The following terms, whenever used or referred to in this chapter, mean:

(1) "Area", that portion of the city which the legislative authority of such city has found or shall find to be blighted so that the clearance, replanning, rehabilitation, or reconstruction thereof is necessary to effectuate the purposes of this law. Any such area may include buildings or improvements not in themselves blighted, and any real

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property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part;

(2) "Blighted area", that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes;

(3) "City" or "such cities", any city within this state **and in any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants. The county's authority pursuant to this chapter shall be restricted to the unincorporated areas of such county;**

(4) "Development plan", a plan, together with any amendments thereto, for the development of all or any part of a blighted area, which is authorized by the legislative authority of any such city;

(5) "Legislative authority", the city council or board of aldermen of the cities affected by this chapter;

(6) "Mortgage", a mortgage, trust indenture, deed of trust, building and loan contract, or other instrument creating a lien on real property, to secure the payment of an indebtedness, and the indebtedness secured by any of them;

(7) "Real property" includes lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto, legal or equitable, including restrictions of record, created by plat, covenant, or otherwise, rights-of-way, and terms for years;

(8) "Redevelopment", the clearance, replanning, reconstruction or rehabilitation of any blighted area, and the provision for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto;

(9) "Redevelopment project", a specific work or improvement to effectuate all or any part of a development plan;

(10) "Urban redevelopment corporation", a corporation organized [under the provisions of] **pursuant to** this chapter; except that any life insurance company organized [under] **pursuant to** the laws of, or admitted to do business in, the state of Missouri may from time to time within five years after April 23, 1946, undertake, alone or in conjunction with, or as a lessee of any such life insurance company or urban redevelopment corporation, a redevelopment project [under] **pursuant to** this chapter, and shall, in its operations with respect to any such redevelopment project, but not otherwise, be deemed to be an urban redevelopment corporation for the purposes of this section and sections 353.010, 353.040, 353.060 and 353.110 to 353.160.

**SECTION 1. DEPARTMENT OF NATURAL RESOURCES SHALL VERIFY COMPLIANCE WITH CORRECTIVE ACTION PLANS FOR HAZARDOUS WASTE MANAGEMENT. — All corrective action plans approved by the department pursuant to the provisions of sections 260.350 to 260.430, RSMo, shall require the department, upon notice by the owner or operator that the approved plan has**

been completed, to verify within ninety days that the corrective action plan has been complied with and completed. The department shall issue a letter within thirty business days to the owners or operators certifying the completion and compliance.

**SECTION 2. AUTHORIZES GRANTS FOR REGIONAL RESEARCH CONSORTIA IN A DISTRESSED COMMUNITY.** — Regional research consortia within a city which lies partially or wholly within an area designated as a distressed community may apply for grants from the state for the purpose of conducting health research, including research into the prevention and cessation of smoking.

**SECTION 3. AUTHORIZES LOCAL SALES TAX TO PROVIDE COMMUNITY SERVICES FOR CHILDREN — ESTABLISHES FUND (ST. CHARLES COUNTY).** — 1. The governing body of any county of the first classification with a charter form of government and a population of two hundred thousand but less than three hundred thousand may, after voter approval pursuant to this section, levy a sales tax not to exceed one-quarter of a cent in the county for the purpose of providing counseling, family support, and temporary residential services to persons eighteen years of age or less. The question shall be submitted to the qualified voters of the county at a county or state general, primary or special election upon the motion of the governing body of the county upon the petition of eight percent of the qualified voters of the county determined on the basis of the number of votes cast for governor in such county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county shall give legal notice as provided in chapter 115, RSMo. The question shall be submitted in substantially the following form:

Shall ..... County be authorized to levy a sales tax of one-quarter of a cent in the county for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well being and safety of children and youth eighteen years of age or less and to strengthen families?

YES

NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall be levied and collected as otherwise provided by law. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not be levied unless and until the question is again submitted to the qualified voters of the county and a majority of such voters are in favor of such a tax, and not otherwise.

2. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury to the credit of a special "Community Children's Services Fund". Such fund shall be administered by a board of directors, established pursuant to section 210.861.

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary in order to prevent further neighborhood decline and to stimulate economic investment, the enactment of sections 67.478, 67.481, 67.484, 67.487, 67.490 and 67.493 and the

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repeal and reenactment of sections 144.757, 144.759, 144.761 and 353.020 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 67.478, 67.481, 67.484, 67.487, 67.490 and 67.493 and the repeal and reenactment of sections 144.757, 144.759, 144.761 and 353.020 shall be in full force and effect upon its passage and approval.

Approved June 27, 2000

HB 1284 [HB 1284]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Allows additional compensation for ambulance district board members.**

AN ACT to repeal section 190.055, RSMo Supp. 1999, relating to ambulance district board members, and to enact in lieu thereof one new section relating to the same subject.

SECTION

A. Enacting clause.

190.055. Powers of board — seal and bylaws required — reimbursement of board members' expenses — secretary and treasurer, additional compensation — board member attendance fees, when.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 190.055, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 190.055, to read as follows:

**190.055. POWERS OF BOARD — SEAL AND BYLAWS REQUIRED — REIMBURSEMENT OF BOARD MEMBERS' EXPENSES — SECRETARY AND TREASURER, ADDITIONAL COMPENSATION — BOARD MEMBER ATTENDANCE FEES, WHEN.** — 1. The board of directors of a district shall possess and exercise all of its legislative and executive powers. Within thirty days after the election of the initial directors, the board shall meet. The time and place of the first meeting of the board shall be designated by the county commission. At its first meeting and after each election of new board members the board shall elect a chairman from its members and select a secretary, treasurer and such officers or employees as it deems expedient or necessary for the accomplishment of its corporate objectives. The secretary and treasurer need not be members of the board. At the meeting the board, by ordinance, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal and bylaws, which shall determine the times for the annual election of officers and of other regular and special meetings of the board and shall contain the rules for the transaction of other business of the district and for amending the bylaws.

2. Each [director] **board member** of any district shall devote such time to the duties of the office as the faithful discharge thereof may require, including educational

programs provided by the state and **each board member** may be reimbursed for [such director's] actual expenditures in the performance of [such director's] **his or her** duties on behalf of the district.

3. **The secretary and treasurer, if members of the board of directors, may each receive additional compensation for the performance of their duties as secretary or treasurer as the board shall deem reasonable and necessary; provided that, such additional compensation shall not exceed one thousand dollars per year.**

4. **Each board member may receive an attendance fee not to exceed one hundred dollars for attending each regularly or specially called board meeting. Such member shall not be paid for attending more than two meetings in any calendar month, except that in a county of the first classification having a charter form of government, such member shall not be paid for attending more than four such meetings in any calendar month. In addition, the chairman of the board may receive fifty dollars for attending each regularly or specially called board meeting, but such chairman shall not be paid the additional fee for attending more than two meetings in any calendar month.**

5. **The compensation authorized by subsections 3 and 4 of this section shall only apply:**

- (1) **If such compensation is approved by the board of such district; and**
- (2) **To any elected term of any board member beginning after August 28, 2000.**

Approved June 27, 2000

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## HB 1289 [HB 1289]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Expands the list of interested persons for distribution of accident reports.**

AN ACT to repeal section 610.200, RSMo Supp. 1999, relating to law enforcement agency accident reports, and to enact in lieu thereof one new section relating to the same subject.

### SECTION

A. Enacting clause.

610.200. Law enforcement agency log or record of suspected crimes, accidents or complaints, available for inspection and copying — limitation.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

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**SECTION A. ENACTING CLAUSE.** — Section 610.200, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 610.200, to read as follows:

**610.200. LAW ENFORCEMENT AGENCY LOG OR RECORD OF SUSPECTED CRIMES, ACCIDENTS OR COMPLAINTS, AVAILABLE FOR INSPECTION AND COPYING — LIMITATION.** — 1. Except as provided in subsection 2 of this section all law enforcement agencies that maintain a daily log or record that lists suspected crimes, accidents, or complaints, shall make available the following information for inspection and copying by the public:

(1) The time, substance, and location of all complaints or requests for assistance received by the agency;

(2) The time and nature of the agency's response to all complaints or request for assistance; and

(3) If the incident involves an alleged crime or infraction:

(a) The time, date, and location of occurrence;

(b) The name and age of any victim, unless the victim is a victim of a crime under chapter 566, RSMo;

(c) The factual circumstances surrounding the incident; and

(d) A general description of any injuries, property or weapons involved.

2. Any law enforcement agency with custody of an accident report or incident report, as defined in section 610.100, shall not release for sixty days after the date of the accident or incident the report containing the factual circumstances or general description of any injuries as provided in paragraphs (c) and (d) of subdivision (3) of subsection 1 of this section to a person that is not an interested party. For the purposes of this subsection, an "interested party" is any law enforcement agency, any person who was involved in the accident or incident, **the street department of the jurisdiction involved**, the owner of any vehicle involved in the accident or incident, the insurance company, physician or family member of any person involved in the accident or incident or any attorney or any member of the news media.

Approved June 27, 2000

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HB 1321 [HB 1321]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Enacts the Interstate Compact for Adult Offender Supervision.**

AN ACT to amend chapter 589, RSMo, relating to crime prevention and control by adding thereto twenty-four new sections for the purpose of enacting the Interstate Compact for Adult Offender Supervision.

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## SECTION

- A. Enacting clause.
- 589.500. Title.
- 589.503. Purpose.
- 589.506. Definitions.
- 589.509. Compact commission, duties, members, voting — executive committee established.
- 589.512. Commissioner appointed, membership of state council.
- 589.515. Commission powers and duties.
- 589.518. Bylaws, organization and operation.
- 589.521. Chairperson and vice chairperson elected, duties — executive director appointed, duties.
- 589.524. Maintenance of corporate books and records.
- 589.527. Qualified immunity, defense and indemnification.
- 589.530. Actions of commission, procedure.
- 589.533. Rulemaking authority, procedure.
- 589.536. Oversight.
- 589.539. Dispute resolution.
- 589.542. Enforcement.
- 589.545. Payment of expenses — annual assessment collected — incurring of obligations, restrictions — accounts maintained.
- 589.548. Eligibility of compacting states — effective date of compact — amendments.
- 589.551. Withdrawal.
- 589.554. Default.
- 589.557. Judicial enforcement.
- 589.560. Dissolution of compact.
- 589.563. Severability clause.
- 589.566. Effect of other laws.
- 589.569. Binding effect of the compact.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 589, RSMo, is amended by adding thereto twenty-four new sections, to be known as sections 589.500, 589.503, 589.506, 589.509, 589.512, 589.515, 589.518, 589.521, 589.524, 589.527, 589.530, 589.533, 589.536, 589.539, 589.542, 589.545, 589.548, 589.551, 589.554, 589.557, 589.560, 589.563, 589.566 and 589.569, to read as follows:

**589.500. TITLE.** — Sections 589.500 to 589.569 of this act may be cited as "The Interstate Compact for Adult Offender Supervision".

**589.503. PURPOSE.** — The compacting states to this Interstate Compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the Bylaws and Rules of this compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdictions. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime. It is the purpose of this compact and the Interstate Commission created hereunder, through means of joint and cooperative action among the compacting states: to provide the framework for

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the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and to equitably distribute the costs, benefits and obligations of the compact among the compacting states. In addition, this compact will: create an Interstate Commission which will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies which will promulgate rules to achieve the purpose of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators; monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct noncompliance; and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity. The compacting states recognize that there is no "right" of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of this compact and Bylaws and Rules promulgated hereunder. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and are therefore public business.

## ARTICLE II DEFINITIONS

**589.506. DEFINITIONS.** — As used in this compact, unless the context clearly requires a different construction:

- (1) "Adult" means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law;
- (2) "By-laws" mean those by-laws established by the Interstate Commission for its governance, or for directing or controlling the Interstate Commission's actions or conduct;
- (3) "Compact Administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact;
- (4) "Compacting state" means any state which has enacted the enabling legislation for this compact;
- (5) "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact;

(6) "Interstate Commission" means the Interstate Commission for Adult Offender Supervision established by this compact;

(7) "Member" means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner;

(8) "NonCompacting state" means any state which has not enacted the enabling legislation for this compact;

(9) "Offender" means an adult placed under, or subject, to supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies;

(10) "Person" means any individual, corporation, business enterprise, or other legal entity, either public or private;

(11) "Rules" means acts of the Interstate Commission, duly promulgated pursuant to Article VIII of this compact, substantially affecting interested parties in addition to the Interstate Commission, which shall have the force and effect of law in the compacting states;

(12) "State" means a state of the United States, the District of Columbia and any other territorial possessions of the United States;

(13) "State Council" means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article III of this compact.

### ARTICLE III THE COMPACT COMMISSION

**589.509. COMPACT COMMISSION, DUTIES, MEMBERS, VOTING — EXECUTIVE COMMITTEE ESTABLISHED. — 1.** The compacting states hereby create the "Interstate Commission for Adult Offender Supervision". The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

2. The Interstate Commission shall consist of Commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state. In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations; such noncommissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting) members as it deems necessary.

3. Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission. The Interstate

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Commission shall meet at least once each calendar year. The chairperson may call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

4. The Interstate Commission shall establish an Executive Committee which shall include commission officers, members and others as shall be determined by the By-laws. The Executive Committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact. The Executive Committee oversees the day-to-day activities managed by the Executive Director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and as directed by the Interstate Commission and performs other duties as directed by Commission or set forth in the By-laws.

#### ARTICLE IV THE STATE COUNCIL

**589.512. COMMISSIONER APPOINTED, MEMBERSHIP OF STATE COUNCIL.** — Each member state shall create a State Council for Interstate Adult Offender Supervision which shall be responsible for the appointment of the commissioner who shall serve on the Interstate Commission from that state. Each state council shall appoint as its commissioner the Compact Administrator from that state to serve on the Interstate Commission in such capacity under or pursuant to applicable law of the member state. While each member state may determining the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups and compact administrators. Each compacting state retains the right to determine the qualifications of the Compact Administrator who shall be appointed by the state council or by the Governor in consultation with the Legislature and the Judiciary. In addition to appointment of its commissioner to the National Interstate Commission, each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state including but not limited to, development of policy concerning operations and procedures of the compact within that state.

#### ARTICLE V POWERS AND DUTIES OF THE INTERSTATE COMMISSION

**589.515. COMMISSION POWERS AND DUTIES.** — The Interstate Commission shall have the following powers:

- (1) To adopt a seal and suitable by-laws governing the management and operation of the Interstate Commission;
- (2) To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact;

(3) To oversee, supervise and coordinate the interstate movement of offenders subject to the terms of this compact and any by-laws adopted and rules promulgated by the compact commission;

(4) To enforce compliance with compact provisions, Interstate Commission rules, and by-laws, using all necessary and proper means, including but not limited to, the use of judicial process;

(5) To establish and maintain offices;

(6) To purchase and maintain insurance and bonds;

(7) To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs;

(8) To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder;

(9) To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel;

(10) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same;

(11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed;

(12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed;

(13) To establish a budget and make expenditures and levy dues as provided in Article X of this compact;

(14) To sue and be sued;

(15) To provide for dispute resolution among compacting state;

(16) To perform such functions as may be necessary or appropriate to achieve the purposes of this compact;

(17) To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission;

(18) To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity;

(19) To establish uniform standards for the reporting, collecting, and exchanging of data.

#### **ARTICLE VI**

#### **ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION**

**589.518. BYLAWS, ORGANIZATION AND OPERATION.** — The Interstate Commission shall, by a majority of the Members, within twelve months of the first Interstate Commission meeting, adopt By-laws to govern its conduct as may

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be necessary or appropriate to carry out the purposes of the Compact, including, but not limited to:

- (1) Establishing the fiscal year of the Interstate Commission;
- (2) Establishing an executive committee and such other committees as may be necessary;
- (3) Providing reasonable standards and procedures:
  - (a) For the establishment of committees; and
  - (b) Governing any general or specific delegation of any authority or function of The Interstate Commission;
- (4) Providing reasonable procedures for calling and conducting meetings of The Interstate Commission, and ensuring reasonable notice of each such meeting;
- (5) Establishing the titles and responsibilities of The officers of the Interstate Commission;
- (6) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Interstate Commission. Notwithstanding any civil service or other similar laws of any, The By-laws shall exclusively govern the personnel policies and programs of the Interstate Commission; and
- (7) Providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations;
- (8) Providing transition rules for "start up" administration of the compact; establishing standards and procedures for compliance and technical assistance in carrying out The compact.

**589.521. CHAIRPERSON AND VICE CHAIRPERSON ELECTED, DUTIES — EXECUTIVE DIRECTOR APPOINTED, DUTIES. — 1.** The Interstate Commission shall, by a majority of the Members, elect from among its Members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the By-laws. The chairperson or, in his or her absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission. The Officers so elected shall serve without compensation or remuneration from the Interstate Commission; PROVIDED THAT, subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

**2.** The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and condition and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, and hire and supervise such other staff as may be authorized by the Interstate Commission, but shall not be a member.

**589.524. MAINTENANCE OF CORPORATE BOOKS AND RECORDS. —** The Interstate Commission shall maintain its corporate books and records in accordance with the By-laws.

**589.527. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION. — 1.** The Members, officers, executive director and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities; **PROVIDED**, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person. The Interstate Commission shall defend the Commission of a compacting state, or his or her representatives or employees, or the Interstate Commission's representatives or employees, in any civil action seeking to impose liability, arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing such act, error or omission occurred within the scope of Interstate Commission employment, duties or responsibilities; **PROVIDED**, that the actual or alleged act, error or omission did not result from intentional wrongdoing on the part of such person.

**2.** The Interstate Commission shall indemnify and hold the Commissioner of a compacting state, the appointed designee or employees, harmless in the amount of any settlement or judgement obtained against such persons arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing such act, error or omission occurred within the scope of Interstate Commission employment, duties or responsibilities, provided, that the actual or alleged act, error or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

## **ARTICLE VII**

### **ACTIVITIES OF THE INTERSTATE COMMISSION**

**589.530. ACTIONS OF COMMISSION, PROCEDURE. — 1.** The Interstate Commission shall meet and take such actions as are consistent with the provisions of this Compact.

**2.** Except as otherwise provided in this Compact and unless a greater percentage is required by the By-Laws, in order to constitute an act of the Interstate Commission, such act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present.

**3.** Each Member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A Member shall vote

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in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The By-Laws may provide for Members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person.

4. The Interstate Commission shall meet at least once during each calendar year. The chairperson of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the Members, shall call additional meetings.

5. The Interstate Commission's By-Laws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such Rules, the Interstate Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

6. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission shall promulgate Rules consistent with the principles contained in the "Government in Sunshine Act," 5 U.S.C. Section 552(b), as may be amended. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

- (1) Relate solely to the Interstate Commission's internal personnel practices and procedures;
- (2) Disclose matters specifically exempted from disclosure by statute;
- (3) Disclose trade secrets or commercial or financial information which is privileged or confidential;
- (4) Involve accusing any person of a crime, or formally censuring any person;
- (5) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (6) Disclose investigatory records compiled for law enforcement purposes;
- (7) Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to regulated entity for the purpose of regulation or supervision of such entity;
- (8) Disclose information, the premature disclosure of which would significantly endanger the life or a person or the stability of a regulated entity;

(9) Specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or proceeding.

7. For every meeting closed pursuant to this provision, the Interstate Commission's chief legal officer shall publicly certify that, in his or her opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of all rollcall vote (reflected in the vote of each Member on the question). All documents considered in connection with any action shall be identified in such minutes.

8. The Interstate Commission shall collect standardized data concerning the interstate movement of offenders as directed through its By-laws and Rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements.

#### ARTICLE VIII

##### RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

**589.533. RULEMAKING AUTHORITY, PROCEDURE.** — 1. The Interstate Commission shall promulgate Rules in order to effectively and efficiently achieve the purposes of the Compact including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states;

2. Rulemaking shall occur pursuant to the criteria set forth in this Article and the By-laws and Rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 U.S.C.S. section 551 et seq., and the Federal Advisory Committee Act, 5 U.S.C.S. app. 2, section 1 et seq., as may be amended (hereinafter "APA").

3. All Rules and amendments shall become binding as of the date specified in each Rule or amendment.

4. If a majority of the legislatures of the compacting states rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such Rule shall have no further force and effect in any compacting state.

5. When promulgating a Rule, the Interstate Commission shall:

(1) Publish the proposed Rule stating with particularity the text of the Rule which is proposed and the reason for the proposed Rule;

(2) Allow persons to submit written data, facts, opinions and arguments, which information shall be publicly available;

(3) Provide an opportunity for an informal hearing; and

(4) Promulgate a final Rule and its effective date, if appropriate, based on the rulemaking record.

6. Not later than sixty days after a Rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's

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principal office is located for judicial review of such Rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence, (as defined in the APA), in the rulemaking record, the court shall hold the Rule unlawful and set it aside. Subjects to be addressed within twelve months after the first meeting must at a minimum include:

- (1) Notice to victims and opportunity to be heard;
- (2) Offender registration and compliance;
- (3) Violations/returns;
- (4) Transfer procedures and forms;
- (5) Eligibility for transfer;
- (6) Collection of restitution and fees from offenders;
- (7) Data collection and reporting;
- (8) The level of supervision to be provided by the receiving state;
- (9) Transition rules governing the operation of the compact and the Interstate Commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact;
- (10) Mediation, arbitration and dispute resolution.

7. The existing rules governing the operation of the previous compact superceded by this Act shall be null and void twelve months after the first meeting of the Interstate Commission created hereunder.

8. Upon determination by the Interstate Commission that an emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule.

#### ARTICLE IX OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

589.536. OVERSIGHT. — 1. The Interstate Commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.

2. The courts and executive agencies in each compacting state shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

589.539. DISPUTE RESOLUTION. — 1. The compacting states shall report to the Interstate Commission on issues or activities of concern to them, and

cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities.

2. The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the Compact and which may arise among compacting states and noncompacting states.

3. The Interstate Commission shall enact a By-law or promulgate a Rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

**589.542. ENFORCEMENT.** — The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact using any or all means set forth in Article XII, Section B, of this compact.

#### **ARTICLE X FINANCE**

**589.545. PAYMENT OF EXPENSES — ANNUAL ASSESSMENT COLLECTED — INCURRING OF OBLIGATIONS, RESTRICTIONS — ACCOUNTS MAINTAINED.** — 1. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

2. The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each compacting state and shall promulgate a Rule binding upon all compacting states which governs said assessment.

3. The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

4. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its By-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

#### **ARTICLE XI COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT**

**589.548. ELIGIBILITY OF COMPACTING STATES — EFFECTIVE DATE OF COMPACT — AMENDMENTS.** — 1. Any state, as defined in Article II of this compact, is eligible to become a compacting state. The Compact shall become effective and binding upon legislative enactment of the Compact into law by no

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less than thirty-five of the States. The initial effective date shall be the latter of July 1, 2001, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter it shall become effective and binding, as to any other compacting state, upon enactment of the Compact into law by that state. The governors of Nonmember states or their designees will be invited to participate in Interstate Commission activities on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

2. Amendments to the Compact may be proposed by the Interstate Commission for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

**ARTICLE XII  
WITHDRAWAL, DEFAULT, TERMINATION,  
AND JUDICIAL ENFORCEMENT**

**589.551. WITHDRAWAL.** — 1. Once effective, the Compact shall continue in force and remain binding upon each and every compacting state; **PROVIDED**, that a compacting state may withdraw from the Compact ("withdrawing state") by enacting a statute specifically repealing the statute which enacted the Compact into law.

2. The effective date of withdrawal is the effective date of the repeal.

3. The withdrawing state shall immediately notify the Chairperson of the Interstate Commission in writing upon the introduction of legislation repealing the Compact in the withdrawing state.

4. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

5. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

6. Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state's reenacting the Compact or upon such later date as determined by the Interstate Commission.

**589.554. DEFAULT.** — 1. If the Interstate Commission determines that any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this Compact, the By-laws or any duly promulgated Rules, the Interstate Commission may impose any or all of the following penalties:

(1) Fines, fees and costs in such amounts as are deemed to be responsible as fixed by the Interstate Commission;

(2) Remedial training and technical assistance as directed by the Interstate Commission;

(3) Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance

under the By-laws and Rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or Chief Judicial Officer of the state; the majority and minority leaders of the defaulting state's legislature, and the State Council.

2. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission By-laws, or duly promulgated Rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed therein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by the Compact shall be terminated from the effective date of suspension. Within sixty days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer and the Majority and Minority Leaders of the defaulting state's legislature and the state council of such termination.

3. The defaulting state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

4. The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state. Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the Rules.

**589.557. JUDICIAL ENFORCEMENT.** — The Interstate Commission may, by majority vote of the Members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated Rules and By-laws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable fees.

**589.560. DISSOLUTION OF COMPACT.** — The Compact dissolves effective upon the date of the withdrawal or default of the compacting state which reduces membership in the Compact to one compacting state. Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the By-laws.

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**ARTICLE XIII  
SEVERABILITY AND CONSTRUCTION**

**589.563. SEVERABILITY CLAUSE. — 1.** The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

**2.** The provisions of this Compact shall be liberally constructed to effectuate its purposes.

**ARTICLE XIV  
BINDING EFFECT OF COMPACT AND OTHER LAWS**

**589.566. EFFECT OF OTHER LAWS. — 1.** Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this Compact.

**2.** All compacting states' laws conflicting with this Compact are superseded to the extent of the conflict.

**589.569. BINDING EFFECT OF THE COMPACT. — 1.** All lawful actions of the Interstate Commission, including all Rules and By-laws promulgated by the Interstate Commission, are binding upon the compacting states.

**2.** All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

**3.** Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

**4.** In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective.

Approved June 27, 2000

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HB 1353 [HB 1353]

**EXPLANATION —** Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Requires the release to certain persons of coroner's reports and alcohol and drug tests on persons killed in automobile accidents without a subpoena.**

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AN ACT to repeal section 58.449, RSMo 1994, relating to coroners' test results, and to enact in lieu thereof one new section relating to the same subject.

SECTION

A. Enacting clause.

58.449. Test results, how used, released, when.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 58.449, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 58.449, to read as follows:

**58.449. TEST RESULTS, HOW USED, RELEASED, WHEN.** — The contents of the report and results of any test made pursuant to the requirements or authorizations of sections 58.445 to 58.449 shall be used primarily for statistical purposes which do not reveal the identity of the deceased and shall not be public information[; however,]. The contents of the report and the results of any test so made shall be released **upon request to any person involved in the accident, spouse of or any family member related within the second degree of consanguinity to a person killed in the accident, attorney for a person involved in the accident, or insurer of a person involved in the accident or whose property is involved in an accident for purposes of investigation of any civil claim or defense. This information shall be released to other parties only** upon the issuance of a subpoena duces tecum by a court of competent jurisdiction for use in any civil or criminal action arising out of the accident.

Approved June 27, 2000

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HB 1363 [HB 1363]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Enacts the Midwest Interstate Passenger Rail Compact and repeals the Interstate High Speed Intercity Rail Passenger Network Compact.**

AN ACT to repeal section 680.175, RSMo 1994, relating to transportation services, and to enact in lieu thereof one new section relating to the same subject.

SECTION

A. Enacting clause.

680.200. Midwest interstate passenger rail compact.

680.175. Interstate high speed intercity rail passenger network compact.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

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**SECTION A. ENACTING CLAUSE.** — Section 680.175, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 680.200, to read as follows:

**680.200. MIDWEST INTERSTATE PASSENGER RAIL COMPACT.** — This section shall be known and may be cited as the "Midwest Interstate Passenger Rail Compact". The midwest interstate passenger rail compact is hereby enacted into law and entered into with all other states which adopt the compact in a form substantially as follows:

#### **ARTICLE I**

##### **STATEMENT OF PURPOSE**

The purposes of this compact are, through joint or cooperative action:

- A) to promote development and implementation of improvements to intercity passenger rail service in the Midwest;
- B) to coordinate interaction among Midwestern state elected officials and their designees on passenger rail issues;
- C) to promote development and implementation of long-range plans for high speed rail passenger service in the Midwest and among other regions of the United States;
- D) to work with the public and private sectors at the federal, state and local levels to ensure coordination among the various entities having an interest in passenger rail service and to promote Midwestern interests regarding passenger rail; and
- E) to support efforts of transportation agencies involved in developing and implementing passenger rail service in the Midwest.

#### **ARTICLE II**

##### **ESTABLISHMENT OF COMMISSION**

To further the purposes of the compact, a Commission is created to carry out the duties specified in this compact.

#### **ARTICLE III**

##### **COMMISSION MEMBERSHIP**

The manner of appointment of Commission members, terms of office consistent with the terms of this compact, provisions for removal and suspension, and manner of appointment to fill vacancies shall be determined by each party state pursuant to its laws, but each commissioner shall be a resident of the state of appointment. Commission members shall serve without compensation from the Commission.

The Commission shall consist of four resident members of each state as follows: The governor or the governor's designee who shall serve during the tenure of office of the governor, or until a successor is named; one member of the private sector who shall be appointed by the governor and shall serve during the tenure of office of the governor, or until a successor is named; and two legislators, one from each legislative chamber (or two legislators from any unicameral legislature), who shall serve two-year terms, or until successors are appointed, and who shall be appointed by the appropriate appointing authority in each

legislative chamber. All vacancies shall be filled in accordance with the laws of the appointing states. Any commissioner appointed to fill a vacancy shall serve until the end of the incomplete term. Each member state shall have equal voting privileges, as determined by the Commission bylaws.

#### ARTICLE IV

##### POWERS AND DUTIES OF THE COMMISSION

The duties of the Commission are to:

- 1) advocate for the funding and authorization necessary to make passenger rail improvements a reality for the region;
- 2) identify and seek to develop ways that states can form partnerships, including with rail industry and labor, to implement improved passenger rail in the region;
- 3) seek development of a long-term, interstate plan for high speed rail passenger service implementation;
- 4) cooperate with other agencies, regions and entities to ensure that the Midwest is adequately represented and integrated into national plans for passenger rail development;
- 5) adopt bylaws governing the activities and procedures of the Commission and addressing, among other subjects: the powers and duties of officers; the voting rights of Commission members, voting procedures, Commission business, and any other purposes necessary to fulfill the duties of the commission;
- 6) expend such funds as required to carry out the powers and duties of the Commission; and
- 7) report on the activities of the Commission to the legislatures and governor of the member states on an annual basis.

In addition to its exercise of these duties, the Commission is empowered to:

- 1) provide multistate advocacy necessary to implement passenger rail systems or plans, as approved by the Commission;
  - 2) work with local elected officials, economic development planning organizations, and similar entities to raise the visibility of passenger rail service benefits and needs;
  - 3) educate other state officials, federal agencies, other elected officials and the public on the advantages of passenger rail as an integral part of an intermodal transportation system in the region;
  - 4) work with federal agency officials and Members of Congress to ensure the funding and authorization necessary to develop a long-term, interstate plan for high speed rail passenger service implementation.
  - 5) make recommendations to member states;
  - 6) if requested by each state participating in a particular project and under the terms of a formal agreement approved by the participating states and the Commission, implement or provide oversight for specific rail projects:
  - 7) establish an office and hire staff as necessary;
  - 8) contract for or provide services;
  - 9) assess dues, in accordance with the terms of this compact;
  - 10) conduct research; and
  - 11) establish committees.
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**ARTICLE V  
OFFICERS**

The Commission shall annually elect from among its members a chair, a vice-chair who shall not be a resident of the state represented by the chair, and others as approved in the Commission bylaws. The officers shall perform such functions and exercise such powers as are specified in the Commission bylaws.

**ARTICLE VI  
MEETINGS AND COMMISSION ADMINISTRATION**

The Commission shall meet at least once in each calendar year, and at such other times as may be determined by the Commission. Commission business shall be conducted in accordance with the procedures and voting rights specified in the bylaws.

**ARTICLE VII  
FINANCE**

Except as otherwise provided for, the monies necessary to finance the general operations of the Commission in carrying forth its duties, responsibilities and powers as stated herein shall be appropriated to the Commission by the compacting states, when authorized by the respective legislatures, by equal apportionment among the compacting states. Nothing in this compact shall be construed to commit a member state to participate in financing a rail project except as provided by law of a member state.

The Commission may accept, for any of its purposes and functions, donations, gifts, grants, and appropriations of money, equipment, supplies, materials and services from the federal government, from any party state or from any department, agency, or municipality thereof, or from any institution, person, firm, or corporation. All expenses incurred by the Commission in executing the duties imposed upon it by this compact shall be paid by the Commission out of the funds available to it. The Commission shall not issue any debt instrument. The Commission shall submit to the officer designated by the laws of each party state, periodically as required by the laws of each party state, a budget of its actual past and estimated future expenditures.

**ARTICLE VIII  
ENACTMENT, EFFECTIVE DATE AND AMENDMENTS**

The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin are eligible to join this compact. Upon approval of the Commission, according to its bylaws, other states may also be declared eligible to join the compact. As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law; provided that it shall not become initially effective until enacted into law by any three (3) party states incorporating the provisions of this compact into the laws of such states. Amendments to the compact shall become effective upon their enactment by the legislatures of all compacting states.

**ARTICLE IX  
WITHDRAWAL, DEFAULT AND TERMINATION**

Withdrawal from this compact shall be by enactment of a statute repealing the same and shall take effect one year after the effective date of such statute. A

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withdrawing state shall be liable for any obligations which it may have incurred prior to the effective date of withdrawal.

If any compacting state shall at any time default in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the Commission, and the Commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless such default shall be remedied under the stipulations and within the time period set forth by the Commission, this compact may be terminated with respect to such defaulting state by affirmative vote of a majority of the other Commission members. Any such defaulting state may be reinstated, upon vote of the Commission, by performing all acts and obligations as stipulated by the Commission.

#### **ARTICLE X CONSTRUCTION AND SEVERABILITY**

The provisions of this compact entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected hereby. If this compact entered into hereunder shall be held contrary to the constitution of any compacting state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as the estate affected as to all severable matters. The provisions of this compact entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.

**[680.175. INTERSTATE HIGH SPEED INTERCITY RAIL PASSENGER NETWORK COMPACT.** — The "Interstate High Speed Intercity Rail Passenger Network Compact", as consented to by the United States Congress in Public Law 98-358, is hereby ratified, enacted into law and entered into by the State of Missouri with all other states legally joining therein in the form substantially as follows:

#### **INTERSTATE HIGH SPEED**

#### **INTERCITY RAIL**

#### **PASSENGER NETWORK COMPACT**

#### **ARTICLE I — POLICY AND PURPOSE**

Because the beneficial service of and profitability of a high speed intercity rail passenger system would be enhanced by establishing such a system which would operate across state lines it is the policy of the states party to this compact to cooperate and share jointly the administrative and financial responsibilities of preparing a feasibility study concerning the operation of such a system connecting major cities in Ohio, Indiana, Michigan, Pennsylvania, Illinois, Missouri, and any other State which subsequently becomes a participant through enactment of the compact.

#### **ARTICLE II — COOPERATION**

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The states of Ohio, Indiana, Michigan, Pennsylvania, Illinois, Missouri and all other states which subsequently enter into this compact, hereinafter referred to as "participating states", agree to, upon adoption of this compact by the respective states, jointly conduct and participate in a high speed intercity rail passenger feasibility study by providing such information and data as is available and may be requested by a participating state or any consulting firms representing a participating state or the compact. It is mutually understood by the participating states that such information shall not include matters not of public record or of a nature considered to be privileged and confidential unless the state providing such information agrees to waive the confidentiality.

The participating states further agree to:

(A) Make available to each other and to any consulting firm representing the member states or the compact such assistance as may be legal, proper and available, including, but not limited to personnel, equipment, office space, machinery, computers, engineering and technical advice and services; and

(B) Provide such financial assistance for the implementation of the feasibility study as may be legal, proper and available.

#### ARTICLE III — INTERSTATE RAIL PASSENGER ADVISORY COUNCIL

There is hereby created an interstate rail passenger advisory council, the membership of which shall consist of three representatives from each participating state. One representative shall be a member of the senate of the participating state, appointed by the president pro tem of the senate of such state, one representative shall be a member of the house of representatives of the participating state, appointed by the speaker of the house of representatives of such state, and one representative shall be from the state's railroad industry, appointed by the governor of the participating state. The members shall select designees who shall serve in the absence of the members. The advisory council shall meet within thirty days after ratification of this agreement by at least two participating states and establish rules for the conduct of the advisory council's business.

The Advisory Council shall coordinate all aspects of the high speed intercity rail passenger feasibility study relative to interstate connections and shall do all other things necessary and proper for the completion of the feasibility study.

#### ARTICLE IV — EFFECTIVE DATE

This compact shall become effective upon the adoption of the compact into law by two or more of the participating states. Thereafter, it shall enter into force and effect as to any other participating state upon the enactment thereof by such state.

This compact shall continue in force with respect to a participating state and remain binding upon such state until six months after such state has given notice to each other participating state of the repeal thereof, such withdrawal shall not be construed to relieve any participating state from any obligation incurred prior to the end of the state's participation in the compact as provided herein.

#### ARTICLE V — CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence,

or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby, if this compact shall be held contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.]

Approved June 27, 2000

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### HB 1376 [HB 1376]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Allows the tour of state facilities by new members of the General Assembly to be any time of the year.**

AN ACT to repeal section 21.183, RSMo 1994, relating to inspection of state institutions, and to enact in lieu thereof one new section relating to the same subject.

#### SECTION

A. Enacting clause.

21.183. Freshman tour of state institutions by newly elected members — expenses.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 21.183, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 21.183, to read as follows:

**21.183. FRESHMAN TOUR OF STATE INSTITUTIONS BY NEWLY ELECTED MEMBERS — EXPENSES.** — 1. The chairman of the senate **appropriations committee** and house [appropriations committees] **budget committee** shall[, during the first two weeks of December of each year following a general election,] arrange for and supervise a schedule for the personal visitation and inspection of state-supported institutions by persons elected to membership in the general assembly for the first time.

2. The schedule of visits and inspection of state institutions by newly elected senators shall be arranged for and supervised by the chairman of the senate appropriations committee and those for newly elected members of the house of representatives by the chairman of the house [appropriations] **budget committee**.

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3. The staff of the committee on legislative research shall furnish to the [chairman] **chairmen** of the respective appropriations **and budget** committees such research, secretarial and clerical assistance as they require and such staff personnel as may be requested to accompany the members on trips of inspection to the several state institutions.

4. All persons making these visits and inspections as provided in this section are entitled to reimbursement for the actual and necessary expenses incurred to be paid out of the senate or house contingent funds, as the case may be.

Approved June 27, 2000

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HB 1386 [HCS HB 1386 & 1086]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Creates the crime of financial exploitation of an elderly or disabled person.**

AN ACT to amend chapter 570, RSMo, relating to stealing and related offenses by adding thereto one new section relating to financial exploitation of the elderly or disabled, with penalty provisions.

SECTION

A. Enacting clause.

570.145. Financial exploitation of the elderly and disabled, penalty — definitions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 570, RSMo, is amended by adding thereto one new section, to be known as section 570.145, to read as follows:

**570.145. FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED, PENALTY — DEFINITIONS. — 1. A person is guilty of the offense of financial exploitation of an elderly or disabled person if such person stands in a position of trust and confidence with the elderly or disabled person, and such person knowingly and by deception or intimidation obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his or her property thereby benefiting such person or detrimentally affecting the elderly or disabled person. Financial exploitation of an elderly or disabled person is a class A misdemeanor if the value of the property is less than two hundred fifty dollars and a class C felony if the value of the property is two hundred fifty dollars or more.**

**2. For purposes of this section, the following terms mean:**

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(1) "Deception", a misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or preexisting condition of any of the property involved in such contract or agreement, or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement. "Deception" includes:

(a) Creating or confirming another person's impression which is false and which the offender does not believe to be true; or

(b) Failure to correct a false impression which the offender previously has created or confirmed; or

(c) Preventing another person from acquiring information pertinent to the disposition of the property involved; or

(d) Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or

(e) Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform;

(2) "Disabled person", a person who suffers from a physical or mental impairment resulting from disease, injury, functional disorder or congenital condition which renders such person incapable of avoiding or preventing the commission of an offense;

(3) "Elderly person", a person sixty years of age or older who is suffering from a disease or infirmity associated with advanced age and manifested by physical, mental or emotional dysfunctioning to the extent that such person is incapable of avoiding or preventing the commission of the offense;

(4) "Intimidation", the communication to an elderly or disabled person that he or she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

3. For purposes of this section, a person stands in a position of trust and confidence with an elderly or disabled person when such person:

(1) Is a parent, spouse, adult child or other relative by blood or marriage of the elderly or disabled person;

(2) Is a joint tenant or tenant in common with the elderly or disabled person with knowledge of such relationship;

(3) Has a legal or fiduciary relationship with the elderly or disabled person; or

(4) Has a relationship with the elderly or disabled person as a health care or personal care worker.

4. Nothing in this section shall be construed to limit the remedies available to the victim pursuant to any state law relating to domestic violence.

5. Nothing in this section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person

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in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.

6. Nothing in this section shall limit the ability to engage in bona fide estate planning, to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.

7. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.

Approved June 27, 2000

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HB 1428 [HB 1428]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Establishes a memorial on the Capitol grounds for workers killed or injured on the job in the state.**

AN ACT to repeal section 294.011, RSMo Supp. 1999, and to enact in lieu thereof two new sections relating to certain employees.

SECTION

A. Enacting clause.

8.900. Memorial for workers killed or disabled on the job — committee created, members, qualifications — fund established, investment, fund not to lapse into general revenue.

294.011. Definitions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 294.011, RSMo Supp. 1999, is repealed and two new sections enacted in lieu thereof, to be known as sections 8.900 and 294.011, to read as follows:

**8.900. MEMORIAL FOR WORKERS KILLED OR DISABLED ON THE JOB — COMMITTEE CREATED, MEMBERS, QUALIFICATIONS — FUND ESTABLISHED, INVESTMENT, FUND NOT TO LAPSE INTO GENERAL REVENUE. — 1. A permanent memorial for workers who were killed on the job in Missouri or who suffered an on- the-job injury that resulted in a permanent disability shall be established and located on the grounds of the state capitol. The memorial shall be of a design selected by a competition organized by the "Workers Memorial Committee"**

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which is hereby created. The workers memorial committee shall be composed of the members of the board of public buildings, or their designees, two members of the house of representatives, one from each political party, selected by the speaker of the house and two members of the senate, one from each political party, selected by the president pro tem of the senate. The members of the committee shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the committee.

2. There is hereby established in the state treasury the "Workers Memorial Fund". Gifts, grants and devises may be deposited in the workers memorial fund. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund shall not revert to general revenue. The state treasurer shall invest the moneys from the fund in the same manner as other state funds are invested. Interest accruing to the fund shall be deposited in the fund and shall not be transferred to the general revenue fund.

**294.011. DEFINITIONS.**— As used in this chapter, the following terms mean:

- (1) "Child", an individual under sixteen years of age;
- (2) "Commission", the labor and industrial relations commission;
- (3) "Department", the department of labor and industrial relations;
- (4) "Department director", the director of the department of labor and industrial relations;
- (5) "Director", director of the division of labor standards;
- (6) "Division", the division of labor standards;
- (7) "Employ", engage a child in gainful employment for wages or other remuneration except where the child is working under the direct control of the parent, legal custodian or guardian of the child. The term "employ" shall not include the performance of the following services by a child twelve years of age or older:
  - (a) The delivery or sales of newspapers, magazines or periodicals;
  - (b) Child care;
  - (c) Occasional yard or farm work performed by a child with the knowledge and consent of his or her parent, legal custodian or guardian. Such work shall include the use of lawn and garden machinery in domestic service at or around a private residence, provided that, there shall be an agreement between an occupant of the private residence and the child, and by no other person, firm or corporation, other than a parent, legal custodian or guardian of the child, for the performance of such work;
  - (d) Participating in a youth sporting event as a [player,] referee, coach or other position necessary to the sporting event; except that, this paragraph shall not include working at a concession stand. For purposes of this paragraph, "youth sporting event" means an event where all players are under the age of eighteen and the event is sponsored and supervised by a public body or a not for profit entity; or



(e) Any other part-time employment performed by a child with the knowledge and consent of his or her parent, legal custodian or guardian not specifically prohibited by section 294.040.

Approved July 12, 2000

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HB 1434 [HCS HB 1434]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Regulates amusement ride providers.**

AN ACT to repeal sections 316.203 and 316.209, RSMo Supp. 1999, relating to regulation of amusement rides, and to enact in lieu thereof five new sections relating to the same subject, with an effective date.

SECTION

A. Enacting clause.

316.203. Definitions.

316.204. Amusement ride safety board established — members — meetings, when.

316.205. Amusement ride safety board — powers and duties — rulemaking.

316.209. Operation of ride to cease, when — notification of serious incident to fire marshal — inspection, costs.

316.210. Amusement ride operation, qualifications — inspection, insurance, bond, permit.

B. Effective date.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 316.203 and 316.209, RSMo Supp. 1999, are repealed and five new sections enacted in lieu thereof, to be known as sections 316.203, 316.204, 316.205, 316.209 and 316.210, to read as follows:

**316.203. DEFINITIONS.** — As used in sections 316.203 to 316.233, the following terms mean:

(1) "Amusement ride", any mechanical device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure or excitement;

(2) "Department", the department of public safety;

(3) "Director", the director of the department of public safety;

(4) "Operator", a person or the agent of a person who owns or controls, or has the duty to control, the operation of an amusement or ride or related electrical equipment;

(5) "Owner", a person who owns, leases, controls or manages the operations of an amusement ride and may include the state or any political subdivision of the state;

(6) "Qualified inspector", any person who is:

(a) Found by the director to possess the requisite training and experience in respect of amusement rides to perform competently the inspections required by sections 316.203 to 316.233; or

(b) Certified by the [North American] **National Association of Amusement Ride Safety Officials (NAARSO)** to have and maintain at least a level one certification; **or**

(c) **Is a member of the Amusement Industry Manufacturing and Suppliers (AIMS) and meets such qualifications as are established by the board;**

(7) "Related electrical equipment", any electrical apparatus or wiring used in connection with amusement rides;

(8) "Safety rules", the rules and regulations governing rider conduct on an amusement ride, provided such rules and regulations are prominently displayed at or near the entrance to, or loading platform for, the amusement ride; [and]

(9) "Serious physical injury", [any physical injury that results in death or causes admission to a medical care facility with a physical condition determined to be serious as a direct result of the maintenance, operation or use of the amusement park ride.] **a patron personal injury immediately reported to the owner or operator as occurring on an amusement ride and which results in death, dismemberment, significant disfigurement or other significant injury that requires immediate in-patient admission and twenty-four-hour hospitalization under the care of a licensed physician for other than medical observation;**

(10) "Serious incident", any single incident where three or more persons are immediately transported to a licensed off-site medical care facility for treatment of an injury as a result of being on or the operation of the amusement ride; and

(11) "Board", the amusement ride safety board appointed as provided in sections 316.203 to 316.233.

**316.204. AMUSEMENT RIDE SAFETY BOARD ESTABLISHED — MEMBERS — MEETINGS, WHEN. — 1.** There is hereby established an "Amusement Ride Safety Board" to be composed of nine members, one of whom shall be the state fire marshal or the marshal's designee. The remaining eight members of the board shall be appointed by the governor with the advice and consent of the senate. Each member appointed by the governor shall be appointed for a staggered term of five years or until his or her successor is appointed. The governor shall fill any vacancy on the board for the remainder of the unexpired term with a representative of the same interest as that of the member whose term is vacant. No more than four members of the board, who are not employees of state or local government shall be members of the same political party.

2. Three members of the board shall represent the interests of small amusement ride businesses that operate in this state. Three members of the board shall represent the interests of the fixed amusement ride parks. One member of the board shall be a resident of this state. One member of the board shall be a mechanical engineer knowledgeable of amusement rides.

3. The state fire marshal shall call the first meeting of the board within sixty days after all members have been appointed and qualified. The members from among their membership shall elect a chairperson. After the initial meeting the

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members shall meet at the call of the chairperson, but shall meet at least three times per year. Five members of the board shall constitute a quorum.

4. The members of the board shall receive no compensation for their services, and shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

**316.205. AMUSEMENT RIDE SAFETY BOARD — POWERS AND DUTIES — RULEMAKING. — 1. The amusement ride safety board shall have the following powers:**

(1) To consult with engineering authorities and organizations who are studying and developing amusement ride safety standards;

(2) To adopt a code of rules and regulations governing maintenance, testing, operation, and inspection of amusement rides. The board shall have the power to adopt a safety code only for those types of amusement rides defined in the statutes. In promulgating the amusement ride safety code the board may consider any existing or future American Society for Testing and Materials (ASTM) safety standards affecting amusement rides as defined in sections 316.203 to 316.233, or any other nationally acceptable standard;

(3) To make recommendations to the state fire marshal concerning the board's findings on safety issues related to amusement rides.

2. No rule or portion of a rule promulgated pursuant to this section shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo.

**316.209. OPERATION OF RIDE TO CEASE, WHEN — NOTIFICATION OF SERIOUS INCIDENT TO FIRE MARSHAL — INSPECTION, COSTS. —** The operator of an amusement ride shall immediately cease to operate any ride upon which a fatality [or], serious physical injury **or serious incident** has occurred. The owner of such amusement ride shall [send by mail or facsimile a copy of an accident report of serious physical injury or death to the director within twenty-four hours of the accident] **immediately notify the office of the state fire marshal of such accident.** The cessation shall remain in force until the department has performed an inspection of any such amusement ride or equipment and has determined that the ride or related equipment is safe for public use. The department shall cause such inspection to be initiated within twenty-four hours of receipt of the report of a fatality [or], serious physical injury **or serious incident** caused by the [failure or malfunction] **operation** of an amusement ride and shall perform the inspection in a manner that proceeds with all practicable speed and minimizes the disruption of the amusement facility at which the amusement ride is located, as well as unrelated commercial activities. Such inspection shall be performed by a qualified inspector employed by the department either directly or through contract. The cost of any such inspection shall be paid for by the owner of the amusement ride. Such inspections may be completed immediately following the reasonable determination by the qualified inspector **or by the director's designee** that a principal cause of the serious physical injury was the victim's failure to comply with the **posted** safety rules **or with verbal instructions.**

**316.210. AMUSEMENT RIDE OPERATION, QUALIFICATIONS — INSPECTION, INSURANCE, BOND, PERMIT. — 1. A person shall not operate an amusement ride unless the owner:**

**(1) Has the amusement ride inspected at least once annually by a qualified inspector, whom the owner or an insurer has provided to perform such inspection, and obtains from such qualified inspector written documentation that the inspection has been made and that the amusement ride meets nationally recognized inspection standards and is covered by the insurance required by subdivision (2) of this subsection;**

**(2) Has:**

**(a) An insurance policy currently in force written by an insurance company authorized to do business in this state in an amount of not less than one million dollars per occurrence;**

**(b) A bond in the same amount as such person's policy from paragraph (a) of this subdivision, provided that the aggregate liability of the surety under such bond shall not exceed the face amount of the bond; or**

**(c) Cash or other surety acceptable to the department;**

**(3) Files with the department the inspection report and certificate of insurance verifying the policy required by this section or a photocopy of such documentation or certificate; and**

**(4) Has been issued a state-operating permit by the department and affixed such permit to designated amusement ride. Such permit fee shall not exceed actual administrative costs.**

**2. The inspection required pursuant to subdivision (1) of subsection 1 of this section shall be conducted at a minimum to meet the manufacturer's or engineer's recommendations.**

**3. All fees collected pursuant to this section shall be deposited to the credit of the general revenue fund.**

**SECTION B. EFFECTIVE DATE. — Sections 316.203 to 316.210 shall become effective on January 1, 2001.**

Approved June 27, 2000

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HB 1452 [SS SCS HB 1452]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Exempts from tax and public assistance eligibility determination Holocaust reparations and creates tax credit for unplanned pregnancy centers.**

AN ACT to amend chapter 143, RSMo, and chapter 208, RSMo, by adding thereto two new sections relating to restitution to victims of the Nazi Holocaust.

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## SECTION

A. Enacting clause.

143.127. Deduction for restitution received by victims of National Socialist (Nazi) persecution.

208.750. Restitution payments to victims of National Socialist (Nazi) persecution not income in determining eligibility.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 143, RSMo, and chapter 208, RSMo, are amended by adding thereto two new sections, to be known as sections 143.127 and 208.750, to read as follows:

**143.127. DEDUCTION FOR RESTITUTION RECEIVED BY VICTIMS OF NATIONAL SOCIALIST (NAZI) PERSECUTION.** — **1. For all tax years beginning on or after January 1, 2000, the following amounts received by an individual or returns and payments to, an individual shall be subtracted from such individual's federal adjusted gross income, to the extent such amounts, returns or payments are included in such individual's federal adjusted gross income:**

(1) Amounts received as reparations or restitution for the loss of liberty or life or damage to health by the victims of National Socialist (Nazi) persecution;

(2) Returns of tangible or intangible property seized, misappropriated or lost as a result of National Socialist (Nazi) actions or policies and any cash values in replacement of such property;

(3) Payments of insurance policies purchased prior to December 31, 1945 by the victims of National Socialist (Nazi) persecution; and

(4) Any accumulated or accrued interest on such amounts, returns or payments.

**2. The subtraction of the amounts, returns or payments from an individual's Missouri adjusted gross income shall only apply if such individual was a victim of National Socialist (Nazi) persecution, actions or policies or is the spouse or descendant of a victim of National Socialist (Nazi) persecution, actions or policies, and such individual or family member is the first recipient of such amounts, returns or payments.**

**3. As used in this section, National Socialist (Nazi) persecution, actions and policies means persecution, actions or policies taken by Germany and other countries, or by organizations, institutions and companies within those countries, against the victims of the Nazi Holocaust.**

**208.750. RESTITUTION PAYMENTS TO VICTIMS OF NATIONAL SOCIALIST (NAZI) PERSECUTION NOT INCOME IN DETERMINING ELIGIBILITY.** — **1. The following amounts received by an individual or returns and payments to, an individual shall not be considered income, resources or assets when determining the amount of, or eligibility for, any public assistance, benefit, entitlement or tax relief to such individual pursuant to any state or state-assisted program:**

(1) Amounts received as reparations or restitution for the loss of liberty or life or damage to health by the victims of National Socialist (Nazi) persecution;

(2) Returns of tangible or intangible property seized, misappropriated or lost as a result of National Socialist (Nazi) actions or policies and any cash values in replacement of such property;

(3) Payments of insurance policies purchased prior to December 31, 1945 by the victims of National Socialist (Nazi) persecution; and

(4) Any accumulated or accrued interest on such amounts, returns or payments.

2. The nonconsideration of the amounts, returns or payments as income, resources or assets of an individual shall only apply if such individual was a victim of National Socialist (Nazi) persecution, actions or policies or is the spouse or descendant of a victim of National Socialist (Nazi) persecution, actions or policies and such family member is the first recipient of such amounts, returns or payments.

3. As used in this section, National Socialist (Nazi) persecution, actions and policies means persecution, actions or policies taken by Germany and other countries, or by organizations, institutions and companies within those countries, against the victims of the Nazi Holocaust.

Approved June 8, 2000

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#### HB 1454 [SCS HB 1454]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

#### **Environmental control.**

AN ACT to repeal section 260.285, RSMo Supp. 1999, relating to environmental control, and to enact in lieu thereof one new section relating to environmental control tax incentives, with an emergency clause.

#### SECTION

A. Enacting clause.

260.285. Manufacturer recycling flexible cellulose casing eligible for tax credit — claim procedure — fraudulent claim, penalty.

B. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 260.285, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 260.285, to read as follows:

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**260.285. MANUFACTURER RECYCLING FLEXIBLE CELLULOSE CASING ELIGIBLE FOR TAX CREDIT — CLAIM PROCEDURE — FRAUDULENT CLAIM, PENALTY. — 1.** Any manufacturer engaged in this state in production of a meat or poultry food product intended for human consumption that is recycling flexible cellulose casing manufactured from cotton linters used and consumed directly in the production of such food product shall be eligible for a credit as defined in subsection 2 of this section. **For purposes of this section, "cotton linters" means fibers from any plant or wood pulp material used for the creation of flexible cellulose casings.**

2. The credit authorized in subsection 1 shall be equal to the amount of state sales or use taxes paid by a manufacturer to a retailer on such packaging material which is subsequently recycled by either the manufacturer or other person or entity to which the manufacturer conveys such packaging materials, less any consideration received by the manufacturer for such conveyance.

3. A manufacturer shall claim the refund in the month following the month in which the material has been recycled or conveyed for recycling. When claiming a credit pursuant to this section, a manufacturer shall provide a detailed accounting of the amount of packaging material recycled, amount of sales or use tax paid on such material, an affidavit attesting that the manufacturer is eligible pursuant to the provisions of this section for the credit being claimed, **documentation that the activity constitutes recycling as certified by the director of the department of natural resources** and any other documentation determined necessary by the director of the department of revenue. The director shall refund any valid credit claims within sixty days of receipt. If the director determines that a fraudulent claim for the credit has been filed, the director may assess a penalty in an amount not to exceed twice the amount of fraudulent credits claimed.

4. Payment of credits authorized by this section shall not alter the liability of a retailer regarding sales tax on such material. Credits authorized by this section shall be paid from funds appropriated for the refund of taxes.

[5. This section shall become effective October 1, 1991.]

**SECTION B. EMERGENCY CLAUSE.** — Because of the need to insure the integrity and equality of treatment of manufacturing taxpayers, the repeal and reenactment of section 260.285 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 260.285 shall be in full force and effect upon its passage and approval.

Approved June 27, 2000

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HB 1486 [HB 1486]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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**Allows community college maintenance and repair funds to be used for salaries on approved maintenance and repair projects.**

AN ACT to repeal section 163.191, RSMo 1994, relating to state aid to community colleges, and to enact in lieu thereof one new section relating to the same subject.

SECTION

A. Enacting clause.

163.191. State aid to community colleges — distribution to be based on resource allocation model, adjustment annually, factors involved — report on effectiveness of model, due when.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 163.191, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 163.191, to read as follows:

**163.191. STATE AID TO COMMUNITY COLLEGES — DISTRIBUTION TO BE BASED ON RESOURCE ALLOCATION MODEL, ADJUSTMENT ANNUALLY, FACTORS INVOLVED — REPORT ON EFFECTIVENESS OF MODEL, DUE WHEN.** — 1. Each year public community colleges in the aggregate shall be eligible to receive from state funds, if state funds are available and appropriated, an amount up to but not more than fifty percent of the state community colleges' planned operating costs as determined by the department of higher education. As used in this subsection, the term "year" means from July first to June thirtieth of the following year. As used in this subsection, the term "operating costs" means all costs attributable to current operations, including all direct costs of instruction, instructors' and counselors' compensation, administrative costs, all normal operating costs and all similar noncapital expenditures during any year, excluding costs of construction of facilities and the purchase of equipment, furniture, and other capital items authorized and funded in accordance with subsection 2 of this section. Operating costs shall be computed in accordance with accounting methods and procedures to be specified by the department of higher education. The department of higher education shall review all institutional budget requests and prepare appropriation recommendations annually for the community colleges under the supervision of the department. The department's budget request shall include a recommended level of funding. Distribution of appropriated funds to community college districts shall be in accordance with the community college resource allocation model. This model shall be developed and revised as appropriate cooperatively by the community colleges and the department of higher education. The department of higher education shall recommend the model to the coordinating board for higher education for their approval. The core funding level for each community college shall initially be established at an amount agreed upon by the community colleges and the department of higher education. This amount will be adjusted annually for inflation, limited growth, and program improvements in accordance with the resource allocation model starting with fiscal year 1993. The department of higher education shall request new and separate state aid funds for any new districts for their first six years of operation. The request for the new districts shall be based upon the same level of

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funding being provided to the existing districts, and should be sufficient to provide for the growth required to reach a mature enrollment level. The department of higher education will be responsible for evaluating the effectiveness of the resource allocation model and will submit a report to the speaker of the house of representatives and president pro tem of the senate by November 1997, and every four years thereafter.

2. In addition to state funds received for operating purposes, each community college district shall be eligible to receive an annual appropriation for the cost of maintenance and repair of facilities and grounds, and purchases of equipment and furniture. Such funds shall not exceed in any year an amount equal to ten percent of the state appropriations to community college districts for operating purposes during the most recently completed fiscal year. The department of higher education may include in its annual appropriations request the necessary funds to implement the provisions of this subsection and when appropriated shall distribute the funds to each community college district as appropriated. The department of higher education appropriations request shall be for specific maintenance, repair, and equipment projects at specific community college districts, shall be in an amount of fifty percent of the cost of a given project as determined by the coordinating board and shall be only for projects which have been approved by the coordinating board through a process of application, evaluation and approval as established by the coordinating board. The coordinating board, as part of its process of application, evaluation, and approval, shall require the community college district to provide proof that the fifty percent share of funding to be defrayed by the district is either on hand or committed for maintenance, repair, and equipment projects. [No part of the fifty percent commitment shall be used for salaries or portions of salaries.] **Only salaries or portions of salaries paid which are directly related to approved projects may be used as a part of the fifty percent share of funding.**

3. School districts offering two-year college courses [under] **pursuant to** section 178.370, RSMo, on October 31, 1961, shall receive state aid [under] **pursuant to** subsections 1 and 2 of this section if all scholastic standards established [under and] pursuant to sections 178.770 to 178.890, RSMo, are met.

4. In order to make postsecondary educational opportunities available to Missouri residents who do not reside in an existing community college district, community colleges organized [under the provisions of] **pursuant to** section 178.370, RSMo, or sections 178.770 to 178.890, RSMo, shall be authorized [under] **pursuant to** the funding provisions of this section to offer courses and programs outside the community college district with prior approval by the coordinating board for higher education. The classes conducted outside the district shall be self-sustaining except that the coordinating board shall promulgate rules to reimburse selected out-of-district instruction only where prior need has been established in geographical areas designated by the coordinating board for higher education. Funding for such off-campus instruction shall be included in the appropriation recommendations, shall be determined by the general assembly and shall continue, within the amounts appropriated therefor, unless the general assembly disapproves the action by concurrent resolution.

5. A "community college" is an institution of higher education deriving financial resources from local, state, and federal sources, and providing postsecondary

education primarily for persons above the twelfth grade age level, including courses in:

- (1) Liberal arts and sciences, including general education;
- (2) Occupational, vocational-technical; and
- (3) A variety of educational community services.

Community college course offerings lead to the granting of certificates, diplomas, and/or associate degrees, but do not include baccalaureate or higher degrees.

6. When distributing state aid authorized for community colleges, the state treasurer may, in any year if requested by a community college, disregard the provision in section 30.180, RSMo, requiring the state treasurer to convert the warrant requesting payment into a check or draft and wire transfer the amount to be distributed to the community college directly to the community college's designated deposit for credit to the community college's account.

Approved June 27, 2000

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## HB 1509 [HB 1509]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Revises unlawful merchandising practices.**

AN ACT to repeal section 407.025, RSMo Supp. 1999, relating to unlawful merchandising practices, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

#### **SECTION**

A. Enacting clause.

407.025. Civil action to recover damages — class actions authorized, when — procedure.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 407.025, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 407.025, to read as follows:

**407.025. CIVIL ACTION TO RECOVER DAMAGES — CLASS ACTIONS AUTHORIZED, WHEN — PROCEDURE.** — 1. Any person who purchases or leases [goods or services] **merchandise** primarily for personal, family or household purposes and thereby suffers an ascertainable loss of money or property, real or personal, as a result of the use or employment by another person of a method, act or practice declared unlawful by section 407.020, may bring a private civil action in either the circuit court of the county in which the seller or lessor resides or in which the transaction complained of took place, to recover actual damages. The court may, in its discretion,

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award punitive damages and may award to the prevailing party attorney's fees, based on the amount of time reasonably expended, and may provide such equitable relief as it deems necessary or proper.

2. Persons entitled to bring an action [under] **pursuant to** subsection 1 of this section may, if the unlawful method, act or practice has caused similar injury to numerous other persons, institute an action as representative or representatives of a class against one or more defendants as representatives of a class, and the petition shall allege such facts as will show that these persons or the named defendants specifically named and served with process have been fairly chosen and adequately and fairly represent the whole class, to recover damages as provided for in subsection 1 of this section. The plaintiff shall be required to prove such allegations, unless all of the members of the class have entered their appearance, and it shall not be sufficient to prove such facts by the admission or admissions of the defendants who have entered their appearance. In any action brought [under] **pursuant to** this section, the court may in its discretion order, in addition to damages, injunction or other equitable relief and reasonable attorney's fees.

3. An action may be maintained as a class action in a manner consistent with Rule 23 of the Federal Rules of Civil Procedure and Missouri rule of civil procedure 52.08 to the extent such state rule is not inconsistent with the federal rule if:

- (1) The class is so numerous that joinder of all members is impracticable;
- (2) There are questions of law or fact common to the class;
- (3) The claims or defenses of the representative parties are typical of the claims or defenses of the class; and
- (4) The representative parties will fairly and adequately protect the interests of the class; and, in addition
- (5) The prosecution of separate action by or against individual members of the class would create a risk of:
  - (a) Inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class; or
  - (b) Adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests; or
- (6) The party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole; or
- (7) The court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The matters pertinent to the findings include:
  - (a) The interest of members of the class in individually controlling the prosecution or defense of separate actions;
  - (b) The extent and nature of any litigation concerning the controversy already commenced by or against members of the class;

(c) The desirability or undesirability of concentrating the litigation of the claims in the particular forum;

(d) The difficulties likely to be encountered in the management of a class action.

4. (1) As soon as practicable after the commencement of an action brought as a class action, the court shall determine by order whether it is to be so maintained. An order [under] **pursuant to** this subdivision may be conditional, and may be altered or amended before the decision on the merits.

(2) In any class action maintained [under] **pursuant to** subdivision (7) of subsection 3 **of this section**, the court shall direct to the members of the class the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice shall advise each member that:

(a) The court will exclude [him in] **such member from** the class if [he] **such member** so requests by a specified date;

(b) The judgment, whether favorable or not, will include all members who do not request exclusion; and

(c) Any member who does request exclusion may, if [he] **such member** desires, enter an appearance through [his] **such member's** counsel.

(3) The judgment in an action maintained as a class action [under] **pursuant to** subdivision (5) of subsection 3 **of this section** or subdivision (6) of subsection 3 **of this section**, whether or not favorable to the class, shall include and describe those whom the court finds to be members of the class. The judgment in an action maintained as a class action [under] **pursuant to** subdivision (7) of subsection 3 **of this section**, whether or not favorable to the class, shall include and specify or describe those to whom the notice provided in subdivision (2) of subsection 4 **of this section** was directed, and who have requested exclusion, and whom the court finds to be members of the class.

(4) When appropriate an action may be brought or maintained as a class action with respect to particular issues, or a class may be divided into subclasses and each subclass treated as a class, and the provisions of this section shall then be construed and applied accordingly.

5. In the conduct of actions to which this section applies, the court may make appropriate orders:

(1) Determining the course of proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument;

(2) Requiring, for the protection of the members of the class or otherwise for the fair conduct of the action, that notice be given in such manner as the court may direct to some or all of the members of any step in the action, or of the proposed extent of the judgment, or of the opportunity of members to signify whether they consider the representation fair and adequate, to intervene and present claims or defenses, or otherwise to come into the action;

(3) Imposing conditions on the representative parties or on intervenors;

(4) Requiring that the pleadings be amended to eliminate therefrom allegations as to representation of absent persons, and that the action proceed accordingly;

(5) Dealing with similar procedural matters.

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6. A class action shall not be dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise shall be given to all members of the class in such manner as the court directs.

7. Upon commencement of any action brought [under] **pursuant to** subsection 1 of this section, the plaintiff or plaintiffs shall inform the clerk of the court in which such action is brought, on forms to be provided by such clerk, that the action is brought [under] **pursuant to** this section. The clerk of the court shall forthwith inform the attorney general of the commencement of such action, together with a copy of the complaint or other initial pleading, and, upon entry of any judgment or decree in the action, the clerk shall mail a copy of such judgment or decree to the attorney general.

8. Any permanent injunction, judgment or order of the court made [under] **pursuant to** section 407.100 shall be prima facie evidence in an action brought [under] **pursuant to** this section that the respondent used or employed a method, act or practice declared unlawful by section 407.020.

Approved June 27, 2000

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## HB 1544 [HB 1544]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Changes permitted distributions for not-for-profit corporations formed to provide liability insurance for political subdivisions.**

AN ACT to repeal section 355.661, RSMo 1994, relating to authorized distributions by not-for-profit corporations, and to enact in lieu thereof one new section relating to the same subject.

#### SECTION

A. Enacting clause.

355.661. Prohibited and authorized distributions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 355.661, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 355.661, to read as follows:

**355.661. PROHIBITED AND AUTHORIZED DISTRIBUTIONS.** — 1. Except as authorized by [subsection 2 of this section and subsection 3] **subsections 2, 3 and 4** of this section, a corporation shall not make any distributions.

2. A mutual benefit corporation may purchase its memberships if after the purchase is completed:

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(1) The corporation would be able to pay its debts as they become due in the usual course of its activities; and

(2) The corporation's total assets would at least equal the sum of its total liabilities.

3. Corporations may make distributions upon dissolution in conformity with sections 355.666 to 355.746.

**4. Business entities established for the purpose of providing insurance pursuant to sections 537.620 and 537.635, RSMo, may make distributions in conformity with those sections.**

Approved June 27, 2000

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#### HB 1568 [SCS HB 1568]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Allows health practitioners in designated outbreak areas to test certain mothers for syphilis and establishes the Office on Women's Health.**

AN ACT to repeal section 210.030, RSMo Supp. 1999, relating to women's health, and to enact in lieu thereof three new sections relating to the same subject.

#### SECTION

A. Enacting clause.

192.965. Office on women's health created, duties.

192.968. Committee to advise the office on women's health created, duties.

210.030. Blood tests of pregnant women.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 210.030, RSMo Supp. 1999, is repealed and three new sections enacted in lieu thereof, to be known as sections 192.965, 192.968 and 210.030, to read as follows:

**192.965. OFFICE ON WOMEN'S HEALTH CREATED, DUTIES.** — **There is hereby created the "Office on Women's Health" within the department of health. The duties of the office shall include, without limitation:**

**(1) Assist in the assessment of the health needs of women in the state;**

**(2) Provide policy analysis and recommendations to the director of the department of health on issues affecting the health and well-being of women across the life cycle;**

**(3) Assist the director of the department of health in identifying issues and establishing priorities for programs, services and resources the department of health should provide;**

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(4) Serve as a central location for information, resources, technical assistance and consultation about women's health for the department of health, other state agencies, local health departments and community-based organizations;

(5) Promote coordination of and collaborative efforts among programs and services for women in the department of health, other state agencies, local health departments and community organizations; and

(6) Increase visibility of the many diverse factors affecting the health and well-being of women in Missouri.

**192.968. COMMITTEE TO ADVISE THE OFFICE ON WOMEN'S HEALTH CREATED, DUTIES.** — To advise the chief of the office on women's health, the director of the department of health shall appoint a committee comprised of persons who have expertise in the varied issues affecting the health and well-being of women in Missouri, who reflect the geographic, racial, ethnic and socioeconomic diversity of Missouri, and who speak for communities with specific health care risks, needs and concerns.

(1) The advisory committee and the chief of the office on women's health shall jointly identify issues pertinent to the health of women for consideration by the director of the department of health.

(2) The advisory committee shall assist the office on women's health in analyzing issues, as requested, and providing policy advice to the chief of the office on women's health.

**210.030. BLOOD TESTS OF PREGNANT WOMEN.** — 1. Every licensed physician, midwife, registered nurse and all persons who may undertake, in a professional way, the obstetrical and gynecological care of a pregnant woman in the state of Missouri shall, if the woman consents, take or cause to be taken a sample of venous blood of such woman at the time of the first prenatal examination, or not later than twenty days after the first prenatal examination, and subject such sample to an approved and standard serological test for syphilis, an approved serological test for hepatitis B and such other treatable diseases and metabolic disorders as are prescribed by the department of health. **In any area of the state designated as a syphilis outbreak area by the department of health, if the mother consents, a sample of her venous blood shall be taken later in the course of pregnancy and at delivery for additional testing for syphilis as may be prescribed by the department.** If a mother tests positive for hepatitis B, the physician or person who professionally undertakes the pediatric care of a newborn shall also administer the appropriate doses of hepatitis B vaccine and [gamma globulin specific for hepatitis B, or HBIG, within twelve hours of birth to infants born to mothers who are hepatitis B positive. If the results of such test are unknown within twelve hours, the hepatitis B vaccine and gamma globulin specific for hepatitis B, or HBIG, shall be administered as soon as possible.] **hepatitis B immune globulin (HBIG) in accordance with the current recommendations of the Advisory Committee on Immunization Practices (ACIP). If the mother's hepatitis B status is unknown, the appropriate dose of hepatitis B vaccine shall be administered to the newborn in accordance with the current**

**ACIP recommendations. If the mother consents, a sample of her venous blood shall be taken. If she tests positive for hepatitis B, hepatitis B immune globulin (HBIG) shall be administered to the newborn in accordance with the current ACIP recommendations.**

2. The department of health shall, in consultation with the Missouri genetic disease advisory committee, make such rules pertaining to such tests as shall be dictated by accepted medical practice, and tests shall be of the types approved by the department of health. An approved and standard test for syphilis, hepatitis B, and other treatable diseases and metabolic disorders shall mean a test made in a laboratory approved by the department of health. No individual shall be denied testing by the department of health because of inability to pay.

Approved June 27, 2000

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## HB 1591 [SCS HB 1591]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Allows a nursing home administrator to retire his or her license.**

AN ACT to repeal section 344.040, RSMo 1994, relating to nursing home administrators, and to enact in lieu thereof two new sections relating to the same subject.

### SECTION

A. Enacting clause.

344.040. License renewal, application for, fee — late renewal, effect — additional disciplinary action authorized, when.

344.105. Retired licenses permitted, when, procedure.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 344.040, RSMo 1994, is repealed and two new sections enacted in lieu thereof, to be known as sections 344.040 and 344.105, to read as follows:

**344.040. LICENSE RENEWAL, APPLICATION FOR, FEE — LATE RENEWAL, EFFECT — ADDITIONAL DISCIPLINARY ACTION AUTHORIZED, WHEN.** — 1. Every license issued under this chapter shall expire on June thirtieth of the year of issuance and each year thereafter. Licensees seeking renewal shall, during the month of May of each year, file an application for renewal on forms furnished by the board, which shall include evidence satisfactory to the board of completion of the approved continuing education hours required by the board, and shall be accompanied by a renewal fee of fifty dollars payable to the director of revenue.

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2. Upon receipt of an incomplete application for renewal, the board shall grant the applicant a temporary permit which shall be in effect for thirty days. The applicant is required to submit the required documentation or fee within the thirty-day period, or the board may refuse to renew his application. The thirty-day period can be extended for good cause shown for an additional thirty days. Upon receipt of the approved continuing education credits or other required documentation or fee within the appropriate time period, the board shall issue an annual license.

3. The board shall renew the license of an applicant who has met all of the requirements for renewal.

4. As a requirement for renewal of license, the board may require not more than forty-eight clock hours of continuing education a year. The continuing education provided for under this section shall be approved by the board. There shall be a separate, nonrefundable fee for each single offering provider. The board shall set the amount of fee for any single offering provided by rules and regulations promulgated pursuant to section 536.021, RSMo. The fee shall be set at a level to produce revenue which shall not substantially exceed the cost and expense in administering and reviewing any single offering.

5. By April first of each year, the board shall mail an application for renewal of license to every person for whom a license was issued or renewed during the current year. The applicant must submit such information as will enable the board to determine if the applicant's license should be renewed. Information provided in the application shall be given under oath.

6. Any licensee who fails to apply to renew his license by June thirtieth may be relicensed by the board if he meets the requirements set forth by the board pursuant to sections 344.010 to 344.100 and pays the fifty-dollar renewal fee, plus a penalty of twenty-five dollars. **No action shall be taken by the board in addition to a penalty of twenty-five dollars imposed by this section against any such licensee whose license has not expired for a period of more than two months, and who has had no action in the preceding five years taken against them by the board, and who has met all other licensure requirements by June thirtieth; provided, however, that nothing in this section shall prevent the board from taking any other disciplinary action against a licensee if there shall exist a cause for discipline pursuant to section 344.050.** A person whose license has expired for a period of more than twelve months must meet the requirements set out in section 344.030 for initial licensure.

**344.105. RETIRED LICENSES PERMITTED, WHEN, PROCEDURE. — 1. Any nursing home administrator possessing a current license to practice as a nursing home administrator in this state who has maintained an active license for at least ten years may retire his or her license by filing an affidavit with the board which states the date on which the licensee retired from such practice and such other facts as tend to verify the retirement as the board may deem necessary. The affidavit shall be accompanied by a fee of twenty-five dollars made payable to the division of aging. Such request for retired status may also be accomplished by signing the request for retired status that appears on the nursing home administrator's application for license renewal and returning such application**

to the board prior to June thirtieth of the year of renewal of the administrator's active license, accompanied by a fee of twenty-five dollars made payable to the division of aging. Information provided in the request for retired status shall be given under oath subject to the penalties for the making of a false affidavit.

2. An individual who requests retired license status shall return his or her original wall license and all other indicia of licensure to the board. Once the board has received the original wall license from the licensee and the other requirements for requesting retired status have been met, the board shall issue a new license to the licensee indicating that the licensee is retired.

3. A retired license may be reactivated within five years of the granting of the retired license by filing with the board evidence satisfactory to the board of the completion of twenty clock hours of continuing education for each calendar year the license was retired. All clock hours of continuing education shall be completed prior to the filing of the affidavit or renewal form requesting reactivation of the retired license. If more than five years have passed since the issuance of a retired license to a licensee, the licensee shall follow the procedures for initial licensure stated in section 344.030.

4. No person shall practice as a nursing home administrator in this state or hold himself or herself out as a nursing home administrator if his or her license is retired.

5. Retired licensees shall remain subject to disciplinary action for violations of this chapter and the rules promulgated thereunder.

Approved June 27, 2000

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## HB 1604 [SCS HB 1604]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Authorizes the Governor to convey certain state property to the State Highways and Transportation Commission.**

AN ACT relating to the conveyance and easement of certain state property, with an emergency clause for certain sections.

#### SECTION

1. Authorizes governor to transfer property to the Missouri highways and transportation commission for highway purposes, approval of instrument by attorney general.
  2. Authorizes governor to transfer property to the Optimist Club Foundation of Mexico Missouri, Inc.
  3. Restrictions on and conditions for transfer of property to the Optimist Club Foundation of Mexico Missouri, Inc.
  4. Approval by attorney general of instrument transferring property from the state to the Optimist Club Foundation of Mexico Missouri, Inc.
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5. Authorizes board of governors of Southwest Missouri State University to transfer property to the city of Springfield.
6. Board of governors of Southwest Missouri State University and city of Springfield to negotiate consideration for transfer of property.
7. Attorney general to approve instrument transferring property from Southwest Missouri State University to city of Springfield.
8. Authorizes governor to transfer property to Nevada R-V school district.
9. Governor and Nevada R-V school district to negotiate consideration for the transfer of property.
10. Attorney general to approve instrument transferring property from state to Nevada R-V school district.
11. Authorizes governor to grant permanent easement to city of St. Joseph for storm drainage, approval of instrument by attorney general.
12. Authorizes governor to grant temporary construction easement to city of St. Joseph for a street, approval of instrument by attorney general.
13. Authorizes governor to grant permanent street right-of-way to city of St. Joseph, approval of instrument by attorney general.
14. Authorizes board of regents of Missouri Western State College to grant permanent street right-of-way to state highways and transportation commission, approval of instrument by attorney general.
15. Authorizes board of regents of Missouri Western State College to grant a permanent easement to state highways and transportation commission, approval of instrument by attorney general.
16. Authorizes governor to transfer certain land in Buchanan County which is currently part of the department of health, approval of instrument by attorney general.
17. Governor and interested parties to negotiate consideration for transfer of land in Buchanan County which is currently part of the department of health.
  - A. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION 1. AUTHORIZES GOVERNOR TO TRANSFER PROPERTY TO THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR HIGHWAY PURPOSES, APPROVAL OF INSTRUMENT BY ATTORNEY GENERAL — 1. The governor is hereby authorized and empowered to give, grant, bargain and convey to the Missouri highways and transportation commission property used for highway purposes which is located in the county of St. Francois, state of Missouri. The property to be conveyed by the state of Missouri is more particularly described as follows:**

**A parcel of land in Lot 77 of F. W. Rohland's  
Subdivision of U.S. Survey 2969, Township 35  
North, Range 5 East, St. Francois County,  
Missouri, and described as follows:**

**Commencing at the Northeast corner of Lot 93  
of said subdivision: thence North 82 degrees  
39 minutes West, 1911.79 feet to Station  
1166+74 on the centerline of State Highway 67;  
thence North 3 degrees 31 minutes East 3202.25  
feet along said centerline to Station  
1134+71.75; thence North 86 degrees 21 minutes  
West 211.37 feet to a point on the West right-  
of-way line of State Highway 67, being also a**

point on the Southeast corner of a tract of land heretofore conveyed to the State of Missouri by deed recorded in Book 397 at Page 217 of the St. Francois County Records; being the point of beginning of the land to be hereby conveyed, thence South 65 degrees 18 minutes West along the South line of said tract of land, 368.30 feet to a point on the Southwest corner of said tract; thence North 24 degrees 42 minutes West along the West line of said tract of land 400 feet to a point, being also the Northwest corner of said tract, said point also being 60 feet Southeast of the centerline of State Highway W, as measured at right angles thereto; thence South 65 degrees 18 minutes West and parallel with said centerline of State Highway W and 60 feet therefrom a distance of 100 feet to a point; thence South 24 degrees 42 minutes East and parallel with said West line of said tract of land a distance of 600 feet to a point; thence North 65 degrees 18 minutes East and parallel with said South line of said tract of land a distance of 378 feet to a point of the existing Western right-of-way line of Route 67, thence North 4 degrees 19 minutes East along said right-of-way line, 220 feet to the place of beginning, containing 2.9 acres, more or less.

2. The attorney general shall approve as to form of the instrument of conveyance.

**SECTION 2. AUTHORIZES GOVERNOR TO TRANSFER PROPERTY TO THE OPTIMIST CLUB FOUNDATION OF MEXICO MISSOURI, INC. —** The governor is hereby authorized to remise, release and forever quit claim the following described property to the Optimist Club Foundation of Mexico Missouri, Inc. The property currently utilized by the Missouri Veterans Home to be conveyed is more particularly described as follows:

A tract of land lying, being and situated in the County of Audrain and State of Missouri to-wit:

A 3.282 acres tract of land being part of the southwest quarter of Section 24, Township 51 North, Range 9 West; also being a part of the tract of land described in the Warranty Deed recorded in Book 244, Page 261 at the Audrain

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County, Missouri Recorder's Office; and also being a part of the 6.161 acres tract of land shown in the survey by Robert L. James recorded in Book 237, Page 830 at the Audrain County, Missouri Recorder's Office; and being more particularly described as follows:

Beginning at the southwest corner of the northwest quarter of the southwest quarter of said Section 24; thence with the section line, N 0° 05'E, 30.00 feet to a point in the north line of Vine Street; thence with said north line extended eastward, N 89° 26'E, 120.00 feet to a point; thence N 0° 05'E, 240.00 feet to a point in the eastward extension of the south line of Orange Street; thence with said south line, S 89° 26'W, 80.00 feet to a point; thence N 0° 05'E, 54.00 feet to a point; thence N 89° 26'E, 399.54 feet, more or less, to a point, said point being in the east line of the said 6.161 acres in the said survey by Robert L. James; thence S 0° 15'W, 395.45 feet, more or less, to a point, said point being the northeast corner of the tract of land described in the Quit Claim Deed recorded in Book 282, Page 903 at the Audrain County, Missouri Recorder's Office; thence S 89° 16'W, 438.88 feet to a point in the west line of said Section 24; thence with said west line N 0° 21'E, 72.72 feet to the point of beginning, subject to existing easements and restrictions.

**SECTION 3. RESTRICTIONS ON AND CONDITIONS FOR TRANSFER OF PROPERTY TO THE OPTIMIST CLUB FOUNDATION OF MEXICO MISSOURI, INC. —** Consideration for the conveyance shall be as negotiated by the parties. The instrument of conveyance shall reserve a reversionary interest in the state of Missouri if the Optimist Club Foundation of Mexico, Missouri, Inc. ceases to use the property described in section 2 of this act. In addition, the instrument of the conveyance shall contain such other restrictions, reversionary clauses, and conditions as are deemed necessary to protect the interest of the state.

**SECTION 4. APPROVAL BY ATTORNEY GENERAL OF INSTRUMENT TRANSFERRING PROPERTY FROM STATE TO THE OPTIMIST CLUB FOUNDATION OF MEXICO MISSOURI, INC. —** The attorney general shall approve as to form the instrument of conveyance.

**SECTION 5. AUTHORIZES BOARD OF GOVERNORS OF SOUTHWEST MISSOURI STATE UNIVERSITY TO TRANSFER PROPERTY TO THE CITY OF SPRINGFIELD. —** The board of governors of Southwest Missouri State University is hereby authorized to convey by warranty deed or other appropriate instrument, as the board determines appropriate, its right, title and interest in the real estate, more particularly described as follows:

**TRACT 1: A PORTION OF THE SOUTH HALF OF THE ALLEY VACATION LYING ADJACENT TO LOTS 12 AND 13 OF E.T. ROBBERSON'S ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTHWEST CORNER OF LOT 11 OF E.T. ROBBERSON'S ADDITION; THENCE NORTH 02°03'04" EAST, 230.25 FEET, TO THE CENTER OF A VACATED 20 FOOT ALLEY; THENCE SOUTH 88°09'01" EAST, 134.91 FEET, FOR A POINT OF BEGINNING; THENCE 88°09'01" EAST, 97.04 FEET; THENCE SOUTH 02°06'12" WEST, 10.00 FEET; THENCE NORTH 88°09'01" WEST, 97.01 FEET; THENCE NORTH 02°15'31" EAST, 10.00 FEET, TO THE POINT OF THE BEGINNING. ALL LYING IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST AND CONTAINING 0.022 ACRES OR 970 SQUARE FEET MORE OR LESS. BEARINGS BASED ON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983 CENTRAL ZONE. CONDITIONS AND MONUMENTS ARE AS SHOWN ON ANDERSON ENGINEERING, INC. DRAWING WB 105-255.**

**TRACT 2: A PORTION OF THE SOUTH HALF OF THE ALLEY VACATION LYING ADJACENT TO THE LOT 12 OF E.T. ROBBERSON'S ADDITION TO SPRINGFIELD, GREENE COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTHWEST CORNER OF LOT 11 OF E.T. ROBBERSON'S ADDITION; THENCE NORTH 02°03'04" EAST, 230.25 FEET, TO THE CENTER OF A VACATED 20 FOOT ALLEY; THENCE SOUTH 88°09'01" EAST, 87.42 FEET, FOR A POINT OF BEGINNING; THENCE SOUTH 88°09'01" EAST, 47.49 FEET; THENCE SOUTH 02°15'31" WEST, 10.00 FEET; THENCE NORTH 88°09'01" WEST, 47.41 FEET; THENCE NORTH 01°50'01" EAST, 10.00 FEET, TO THE POINT OF BEGINNING. ALL LYING IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST AND CONTAINING 474 SQUARE**

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**FEET OR 0.0108 ACRES MORE OR LESS. BEARINGS  
BASED ON GRID NORTH OF THE MISSOURI STATE  
PLANE COORDINATE SYSTEM OF 1983 CENTRAL ZONE.  
CONDITIONS AND MONUMENTS ARE AS SHOWN ON  
ANDERSON ENGINEERING, INC. DRAWING WB 105-  
255.**

**SECTION 6. BOARD OF GOVERNORS OF SOUTHWEST MISSOURI STATE  
UNIVERSITY AND CITY OF SPRINGFIELD TO NEGOTIATE CONSIDERATION FOR  
TRANSFER OF PROPERTY. — Consideration for the conveyance shall be as  
negotiated by the parties.**

**SECTION 7. ATTORNEY GENERAL TO APPROVE INSTRUMENT TRANSFERRING  
PROPERTY FROM SOUTHWEST MISSOURI STATE UNIVERSITY TO CITY OF  
SPRINGFIELD. — The attorney general shall approve as to form the instrument of  
conveyance.**

**SECTION 8. AUTHORIZES GOVERNOR TO TRANSFER PROPERTY TO NEVADA R-V  
SCHOOL DISTRICT. — The governor is hereby authorized to remise, release and  
forever quit claim the following described property to the Nevada R-V School  
District. The property currently utilized by the Nevada Habilitation Center as a  
storage building formerly known as the Client Union/Cafeteria at Nevada  
Habilitation Center to be conveyed is more particularly described as follows:**

**"PART OF THE NORTHWEST QUARTER OF SECTION 33,  
TOWNSHIP 36 NORTH, RANGE 31 WEST OF THE 5TH  
PRINCIPAL MERIDIAN, VERNON COUNTY, IN THE CITY  
OF NEVADA, MISSOURI COMMENCING AT THE  
NORTHWEST CORNER OF SAID NORTHWEST QUARTER;  
THENCE SOUTH 00°-35'-39" WEST A DISTANCE OF  
1543.63 FEET ALONG THE WEST LINE OF SAID  
QUARTER; THENCE SOUTH 89°-58'-32" WEST A  
DISTANCE OF 249.83 FEET; THENCE SOUTH 00°-01'-  
28" WEST A DISTANCE OF 185.00 FEET; THENCE  
SOUTH 89°-58'-32" EAST A DISTANCE OF 115.00  
FEET; THENCE SOUTH 00°-01'-28" WEST A DISTANCE  
OF 18.27 FEET TO THE TRUE POINT OF BEGINNING  
OF THE TRACT TO BE HEREIN DESCRIBED; THENCE  
SOUTH 89°-50'-11" EAST A DISTANCE OF 5.49 FEET  
TO THE NORTHWEST CORNER OF AN EXISTING  
BUILDING; THENCE SOUTH 89°-50'-11" EAST ALONG  
THE NORTH SIDE OF SAID BUILDING A DISTANCE OF  
65.10 FEET; THENCE SOUTH 89°-50'-11" EAST A  
DISTANCE OF 29.87 FEET; THENCE NORTH 00°-09'-  
49" EAST A DISTANCE OF 2.75 FEET; THENCE SOUTH  
89°-50'-11" EAST A DISTANCE OF 9.00 FEET;  
THENCE SOUTH 00°-09'-49" WEST A DISTANCE OF**

1.45 FEET; THENCE SOUTH 89°-50'-11" EAST A DISTANCE OF 34.00 FEET; THENCE NORTH 00°-09'-49" EAST A DISTANCE OF 2.50 FEET; THENCE SOUTH 89°-50'-11" EAST A DISTANCE OF 30.67 FEET; THENCE SOUTH 00°-09'-49" WEST A DISTANCE OF 2.50 FEET; THENCE SOUTH 89°-50'-11" EAST A DISTANCE OF 8.90 FEET; THENCE NORTH 00°-09'-49" EAST A DISTANCE OF 35.20 FEET; THENCE SOUTH 89°-50'-11" EAST A DISTANCE OF 33.03 FEET; THENCE SOUTH 00°-01'-28" WEST A DISTANCE OF 97.72 FEET; THENCE NORTH 89°-58'-32" WEST A DISTANCE OF 216.16 FEET; THENCE NORTH 00°-01'-28" EAST A DISTANCE OF 61.71 FEET TO THE TRUE POINT OF BEGINNING. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD."

**SECTION 9. GOVERNOR AND NEVADA R-V SCHOOL DISTRICT TO NEGOTIATE CONSIDERATION FOR THE TRANSFER OF PROPERTY.** — Consideration for the conveyance shall be as negotiated by the parties.

**SECTION 10. ATTORNEY GENERAL TO APPROVE INSTRUMENT TRANSFERRING PROPERTY FROM STATE TO NEVADA R-V SCHOOL DISTRICT.** — The attorney general shall approve as to form the instrument of conveyance.

**SECTION 11. AUTHORIZES GOVERNOR TO GRANT PERMANENT EASEMENT TO CITY OF ST. JOSEPH FOR STORM DRAINAGE, APPROVAL OF INSTRUMENT BY ATTORNEY GENERAL.** — 1. The governor is hereby authorized to give, grant and convey to and for the use of the city of St. Joseph, an easement for the purposes of storm drainage on and across land owned by the state of Missouri located in Buchanan County which is currently part of the department of public safety being used as an army national guard armory. The real estate to be conveyed is more particularly described as follows:

A TRACT OF LAND FOR PERMANENT EASEMENT,  
COMPOSED OF A PART OF THE SOUTHEAST QUARTER OF  
SECTION 11, TOWNSHIP 57 NORTH, RANGE 35 WEST,  
BUCHANAN COUNTY, MISSOURI, DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF THE  
SOUTHEAST QUARTER OF SAID SECTION 11, THENCE  
ON A BEARING OF SOUTH 00 DEGREES 02 MINUTES 31  
SECONDS WEST ALONG THE WEST LINE OF SAID  
SOUTHEAST QUARTER A DISTANCE OF 50.00 FEET TO  
A POINT, SAID POINT ALSO BEING ON THE  
EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF  
FARAON STREET, THENCE NORTH 89 DEGREES 55  
MINUTES 11 SECONDS EAST ALONG THE SOUTH RIGHT-  
OF-WAY LINE OF FARAON STREET AND SAID

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EXTENSION A DISTANCE OF 76.29 FEET TO A POINT, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 55 MINUTES 11 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF FARAON STREET A DISTANCE OF 35.34 FEET TO A POINT, THENCE SOUTH 44 DEGREES 53 MINUTES 20 SECONDS WEST A DISTANCE OF 70.39 FEET TO A POINT, THENCE NORTH 00 DEGREES 40 MINUTES 47 SECONDS WEST A DISTANCE OF 35.01 FEET TO A POINT, THENCE NORTH 44 DEGREES 53 MINUTES 20 SECONDS EAST A DISTANCE OF 20.91 FEET TO THE POINT OF BEGINNING. CONTAINING 1141 SQUARE FEET OR 0.026 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON MISSOURI STATE PLANE GRID NORTH.

2. The attorney general shall approve as to form the instrument of conveyance.

SECTION 12. AUTHORIZES GOVERNOR TO GRANT TEMPORARY CONSTRUCTION EASEMENT TO CITY OF ST. JOSEPH FOR A STREET, APPROVAL OF INSTRUMENT BY ATTORNEY GENERAL. — 1. The governor is hereby authorized and empowered to give, grant and convey to and for the use of the city of St. Joseph, an easement, for the purposes of constructing of and maintaining a street, across lands owned by the state of Missouri and used by the department of public safety in Buchanan County. The easement is more particularly described as follows:

A TRACT OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT, COMPOSED OF A PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 57 NORTH, RANGE 35 WEST, BUCHANAN COUNTY, MISSOURI, DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11, THENCE ON A BEARING OF NORTH 89 DEGREES 55 MINUTES 11 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER A DISTANCE OF 50.00 FEET TO A POINT, SAID POINT ALSO BEING THE EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF WOODBINE ROAD, THENCE SOUTH 00 DEGREES 02 MINUTES 31 SECONDS WEST ALONG THE EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF WOODBINE ROAD A DISTANCE OF 283.12 FEET TO A POINT, SAID POINT ALSO BEING THE POINT OF BEGINNING, THENCE SOUTH 00 DEGREES 02 MINUTES 31 SECONDS WEST A DISTANCE OF 246.41 FEET TO A POINT, THENCE SOUTH 89 DEGREES 57 MINUTES 35 SECONDS EAST A DISTANCE OF 30.18 FEET TO A POINT, THENCE NORTH 00

DEGREES 02 MINUTES 25 SECONDS EAST A DISTANCE OF 349.75 FEET TO A POINT, THENCE NORTH 9 DEGREES 24 MINUTES 41 SECONDS EAST A DISTANCE OF 71.01 FEET TO A POINT, THENCE SOUTH 70 DEGREES 02 MINUTES 13 SECONDS EAST A DISTANCE OF 89.88 FEET TO A POINT, THENCE NORTH 54 DEGREES 06 MINUTES 58 SECONDS EAST A DISTANCE OF 123.22 FEET TO A POINT, THENCE SOUTH 86 DEGREES 41 MINUTES 48 SECONDS EAST A DISTANCE OF 100.18 FEET TO A POINT, THENCE NORTH 83 DEGREES 40 MINUTES 20 SECONDS EAST A DISTANCE OF 99.71 FEET TO A POINT, THENCE SOUTH 80 DEGREES 11 MINUTES 46 SECONDS EAST A DISTANCE OF 202.78 FEET TO A POINT, THENCE NORTH 89 DEGREES 52 MINUTES 30 SECONDS EAST A DISTANCE OF 335.30 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 29, THENCE NORTH 06 DEGREES 17 MINUTES 44 SECONDS WEST ALONG THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 29 A DISTANCE OF 48.42 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FARAON STREET, THENCE SOUTH 89 DEGREES 55 MINUTES 11 SECONDS WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF FARAON STREET A DISTANCE OF 893.31 FEET TO A POINT, THENCE SOUTH 44 DEGREES 53 MINUTES 20 SECONDS WEST A DISTANCE OF 70.39 FEET TO A POINT. THENCE SOUTH 00 DEGREES 40 MINUTES 48 SECONDS EAST A DISTANCE OF 130.01 FEET TO A POINT, THENCE SOUTH 14 DEGREES 21 MINUTES 48 SECONDS WEST A DISTANCE OF 55.05 FEET TO THE POINT OF BEGINNING. CONTAINING 49789 SQUARE FEET OR 1.143 ACRES, MORE OR LESS.

BEARINGS BASED ON MISSOURI STATE PLANE GRID NORTH.

2. The temporary construction easement granted by this section shall expire upon the completion of construction.

3. The attorney general shall approve as to form the instrument of conveyance.

**SECTION 13. AUTHORIZES GOVERNOR TO GRANT PERMANENT STREET RIGHT-OF-WAY TO CITY OF ST. JOSEPH, APPROVAL OF INSTRUMENT BY ATTORNEY GENERAL. — 1.** The governor is hereby authorized to give, grant and convey to the city of St. Joseph, certain property in Buchanan County which is currently part of the department of public safety being used as an army national guard armory. The real estate to be conveyed is more particularly described as follows:

**A TRACT OF LAND FOR PERMANENT STREET RIGHT-OF-**

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WAY, COMPOSED OF A PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 57 NORTH, RANGE 35 WEST, BUCHANAN COUNTY, MISSOURI, DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11, THENCE ON A BEARING OF NORTH 89 DEGREES 55 MINUTES 11 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER A DISTANCE OF 50.00 FEET TO A POINT, SAID POINT ALSO BEING THE EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF WOODBINE ROAD, THENCE SOUTH 00 DEGREES 02 MINUTES 31 SECONDS WEST ALONG THE EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF WOODBINE ROAD A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FARAON STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING, THENCE SOUTH 00 DEGREES 02 MINUTES 31 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF WOODBINE ROAD A DISTANCE OF 233.12 FEET TO A POINT, THENCE NORTH 14 DEGREES 21 MINUTES 48 SECONDS EAST A DISTANCE OF 55.05 FEET TO A POINT, THENCE NORTH 00 DEGREES 40 MINUTES 48 SECONDS WEST A DISTANCE OF 165.02 FEET TO A POINT, THENCE NORTH 44 DEGREES 53 MINUTES 20 SECONDS EAST A DISTANCE OF 20.91 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FARAON STREET, THENCE SOUTH 89 DEGREES 55 MINUTES 11 SECONDS WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF FARAON STREET A DISTANCE OF 26.29 FEET TO THE POINT OF BEGINNING. CONTAINING 2,718 SQUARE FEET OR 0.062 ACRES, MORE OR LESS.

BEARINGS BASED ON MISSOURI STATE PLANE GRID NORTH.

2. The attorney general shall approve as to form the instrument of conveyance.

SECTION 14. AUTHORIZES BOARD OF REGENTS OF MISSOURI WESTERN STATE COLLEGE TO GRANT PERMANENT STREET RIGHT-OF-WAY TO STATE HIGHWAYS AND TRANSPORTATION COMMISSION, APPROVAL OF INSTRUMENT BY ATTORNEY GENERAL. — 1. The board of regents of Missouri Western State College, pursuant to subsection 13 of section 37.005, RSMo, is hereby authorized and empowered to give, grant and convey to the state highways and transportation commission, certain property in Buchanan County which is currently part of the Missouri Western State College. The real estate to be conveyed is more particularly described as follows:

**A TRACT OF LAND FOR PERMANENT STREET RIGHT-OF-WAY, COMPOSED OF A PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 57 NORTH, RANGE 35 WEST, BUCHANAN COUNTY, MISSOURI, DESCRIBED AS:**

**COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 11, THENCE ON A BEARING OF SOUTH 89 DEGREES 55 MINUTES 11 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 842.47 FEET TO A POINT, THENCE SOUTH 0 DEGREES 04 MINUTES 48 SECONDS EAST A DISTANCE OF 75.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FARAON STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 55 DEGREES 38 MINUTES 05 SECONDS WEST A DISTANCE OF 217.09 FEET TO A POINT, THENCE SOUTH 89 DEGREES 55 MINUTES 12 SECONDS WEST A DISTANCE OF 57.73 FEET TO A POINT, THENCE NORTH 81 DEGREES 16 MINUTES 43 SECONDS WEST A DISTANCE OF 258.01 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 29, THENCE NORTH 6 DEGREES 17 MINUTES 44 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE INTERSTATE 29 A DISTANCE OF 30.05 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FARAON STREET, THENCE NORTH 83 DEGREES 49 MINUTES 09 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF FARAON STREET A DISTANCE OF 498.14 FEET TO THE POINT OF BEGINNING. CONTAINING 31284 SQUARE FEET OR 0.718 ACRES, MORE OR LESS.**

**2. The attorney general shall approve as to form the instrument of conveyance.**

**SECTION 15. AUTHORIZES BOARD OF REGENTS OF MISSOURI WESTERN STATE COLLEGE TO GRANT A PERMANENT EASEMENT TO STATE HIGHWAYS AND TRANSPORTATION COMMISSION, APPROVAL OF INSTRUMENT BY ATTORNEY GENERAL. — 1. The board of regents of Missouri Western State College, pursuant to subsection 13 of section 37.005, RSMo, is hereby authorized and empowered to give, grant and convey to the state highways and transportation commission, certain property in Buchanan County which is currently part of the Missouri Western State College. The real estate to be conveyed is more particularly described as follows:**

**A TRACT OF LAND FOR PERMANENT EASEMENT,  
COMPOSED OF A PART OF THE SOUTHEAST QUARTER OF  
SECTION 11, TOWNSHIP 57 NORTH, RANGE 35 WEST,**

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**BUCHANAN COUNTY, MISSOURI, DESCRIBED AS:**

**COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 11, THENCE ON A BEARING OF SOUTH 89 DEGREES 55 MINUTES 11 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 1021.84 FEET TO A POINT, THENCE SOUTH 0 DEGREES 04 MINUTES 48 SECONDS EAST A DISTANCE OF 197.29 FEET TO A POINT SAID POINT ALSO BEING THE POINT OF BEGINNING, THENCE SOUTH 30 DEGREES 04 MINUTES 07 SECONDS EAST A DISTANCE OF 34.15 FEET TO A POINT, THENCE SOUTH 89 DEGREES 55 MINUTES 12 SECONDS WEST A DISTANCE OF 57.73 FEET TO A POINT, THENCE NORTH 30 DEGREES 04 MINUTES 07 SECONDS WEST A DISTANCE OF 34.15 FEET TO A POINT, THENCE NORTH 89 DEGREES 55 MINUTES 12 SECONDS EAST A DISTANCE OF 57.73 FEET TO THE POINT OF BEGINNING. CONTAINING 1707 SQUARE FEET OR 0.0392 ACRES, MORE OR LESS.**

**BEARINGS BASED ON MISSOURI STATE PLANE GRID NORTH.**

2. The attorney general shall approve as to form the instrument of conveyance.

**SECTION 16. AUTHORIZES GOVERNOR TO TRANSFER CERTAIN LAND IN BUCHANAN COUNTY WHICH IS CURRENTLY PART OF THE DEPARTMENT OF HEALTH, APPROVAL OF INSTRUMENT BY ATTORNEY GENERAL. — 1. The governor is hereby authorized to bargain, sell and convey land owned by the state of Missouri located in Buchanan County which is currently part of the department of mental health. The property to be conveyed is more particularly described as follows:**

**DESCRIPTION OF TRACT "A": A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 57 NORTH, RANGE 35 WEST, ST. JOSEPH, BUCHANAN COUNTY, MISSOURI. BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 3, THENCE NORTH 89°23'10" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 662.20 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 3; THENCE LEAVING SAID SOUTH LINE, NORTH 00°21'09" EAST, ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 30.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF**

FREDERICK AVENUE, AND THE TRUE POINT OF BEGINNING; THENCE NORTH 89°23'10" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF FREDERICK AVENUE, 100.00 FEET; THENCE NORTH 00°21'09" EAST, PARALLEL WITH THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 1288.54 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 3: THENCE SOUTH 89°26'03" EAST, ALONG SAID NORTH LINE, 100.00 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 3; THENCE SOUTH 00°21'09" WEST, ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 1288.63 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 2.96 ACRES MORE OR LESS AND BEING SUBJECT TO ALL PUBLIC ROADS, EASEMENTS, RESERVATIONS, RESTRICTIONS, COVENANTS AND CONDITIONS, IF ANY, NOW OF RECORD. FINAL LEGAL DESCRIPTION TO BE DETERMINED BY SURVEY.

DESCRIPTION OF TRACT "B": A TRACT OF LAND IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 57 NORTH, RANGE 35 WEST, ST. JOSEPH, BUCHANAN COUNTY, MISSOURI. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 3, THENCE SOUTH 00°27'17" WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 1319.18 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3; THENCE LEAVING SAID EAST LINE NORTH 89°26'03" WEST, ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 20.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF 36TH STREET AND THE TRUE POINT OF BEGINNING; THENCE CONTINUED NORTH 89°26'03" WEST, ALONG SAID SOUTH LINE, 744.55 FEET; THENCE LEAVING SAID SOUTH LINE NORTH 00°21'09" EAST, 38.54 FEET; THENCE SOUTH 89°28'55" EAST, PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 424.62 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO PRIMARY CARE GROUP, L.L.C., A LIMITED

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**LIABILITY COMPANY BY DEED RECORDED IN BOOK 1972 AT PAGE 301 IN THE OFFICE OF THE RECORDER OF DEEDS IN BUCHANAN COUNTY, MISSOURI; THENCE SOUTH 89°28'55" EAST, ALONG THE SOUTH LINE OF SAID PRIMARY CARE GROUP TRACT, 320.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF 36TH STREET; THENCE SOUTH 00°27'17" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 39.16 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 0.66 ACRES MORE OR LESS AND BEING SUBJECT TO ALL PUBLIC ROADS, EASEMENTS, RESERVATIONS, RESTRICTIONS, COVENANTS, AND CONDITIONS, IF ANY, NOW OF RECORD. FINAL LEGAL DESCRIPTION TO BE DETERMINED BY SURVEY.**

**2. The attorney general shall approve as to form the instrument of conveyance.**

**SECTION 17. GOVERNOR AND INTERESTED PARTIES TO NEGOTIATE CONSIDERATION FOR TRANSFER OF LAND IN BUCHANAN COUNTY WHICH IS CURRENTLY PART OF THE DEPARTMENT OF HEALTH. — Consideration for the conveyance pursuant to section 16 shall be as negotiated by the office of administration and interested parties.**

**SECTION A. EMERGENCY CLAUSE.** — Because of the need to effect certain land transfers, sections 11 to 17 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and sections 11 to 17 of this act shall be in full force and effect upon its passage and approval.

Approved June 27, 2000

HB 1631 [SCS HB 1631]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Changes the liquor control law.**

AN ACT to repeal sections 311.510, 311.540 and 312.210, RSMo 1994, and sections 311.070 and 311.485, RSMo Supp. 1999, relating to liquor control, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

SECTION

A. Enacting clause.

- 311.070. Financial interest in retail businesses by certain licensees prohibited, exceptions — penalties — definitions — activities permitted between wholesalers and licensees — certain contracts unenforceable — contributions to certain organizations permitted, when.
- 311.485. Temporary location for liquor by the drink, caterers — permit and fee required — other laws applicable, exception.
- 311.510. Inspection of malt liquors — duty of supervisor.
- 311.540. Liquor inspection, labeling and gauging — requirements.
- 312.210. Inspection.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 311.510, 311.540 and 312.210, RSMo 1994, and sections 311.070 and 311.485, RSMo Supp. 1999, are repealed and five new sections enacted in lieu thereof, to be known as sections 311.070, 311.485, 311.510, 311.540 and 312.210, to read as follows:

**311.070. FINANCIAL INTEREST IN RETAIL BUSINESSES BY CERTAIN LICENSEES PROHIBITED, EXCEPTIONS — PENALTIES — DEFINITIONS — ACTIVITIES PERMITTED BETWEEN WHOLESALERS AND LICENSEES — CERTAIN CONTRACTS UNENFORCEABLE — CONTRIBUTIONS TO CERTAIN ORGANIZATIONS PERMITTED, WHEN.** — 1. Distillers, wholesalers, winemakers, brewers or their employees, officers or agents, shall not, except as provided in this section, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors, and shall not, except as provided in this section, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit for liquors sold to such retail dealers. However, notwithstanding any other provision of this chapter to the contrary, for the purpose of the promotion of tourism, a distiller whose manufacturing establishment is located within this state may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as in this chapter defined, by the drink at retail for consumption on the premises where sold; and provided further that the premises so licensed shall be in close proximity to the distillery and may remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday and between the hours of 11:00 a.m. and 9:00 p.m., Sunday. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to the holder of a license issued under the provisions of this section in the same manner as they apply to establishments licensed under the provisions of section 311.085, 311.090, or 311.095.

2. Any distiller, wholesaler, winemaker or brewer who shall violate the provisions of subsection 1 of this section, or permit his employees, officers or agents to do so, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as follows:

- (1) For the first offense, by a fine of one thousand dollars;
- (2) For a second offense, by a fine of five thousand dollars; and
- (3) For a third or subsequent offense, by a fine of ten thousand dollars or the license of such person shall be revoked.

3. As used in this section, the following terms mean:

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(1) "Consumer advertising specialties", advertising items that are designed to be carried away by the consumer, such items include, but are not limited to: trading stamps, nonalcoholic mixers, pouring racks, ash trays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, post cards, pencils, shirts, caps and visors;

(2) "Equipment and supplies", glassware (or similar containers made of other material), dispensing accessories, carbon dioxide (and other gasses used in dispensing equipment) or ice. "Dispensing accessories", include standards, faucets, cold plates, rods, vents, taps, tap standards, hoses, washers, couplings, gas gauges, vent tongues, shanks, and check valves;

(3) "Point of sale advertising materials", advertising items designed to be used within a retail business establishment to attract consumer attention to the products of a distiller, wholesaler, winemaker or brewer. Such materials include, but are not limited to: posters, placards, designs, inside signs (electric, mechanical or otherwise), window decorations, trays, coasters, mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks, calendars and alcoholic beverage lists or menus;

(4) "Product display", wine racks, bins, barrels, casks, shelving or similar items the primary function of which is to hold and display consumer products;

(5) "Promotion", an advertising and publicity campaign to further the acceptance and sale of the merchandise or products of a distiller, wholesaler, winemaker or brewer.

4. Notwithstanding other provisions contained herein, the distiller, wholesaler, winemaker or brewer, or their employees, officers or agents may engage in the following activities with a retail licensee licensed pursuant to chapter 311 or chapter 312, RSMo:

(1) The distiller, wholesaler, winemaker or brewer may give or sell product displays to a retail business if all of the following requirements are met:

(a) The total value of all product displays given or sold to a retail business shall not exceed three hundred dollars per brand at any one time in any one retail outlet. There shall be no combining or pooling of the three hundred dollar limits to provide a retail business a product display in excess of three hundred dollars per brand. The value of a product display is the actual cost to the distiller, wholesaler, winemaker or brewer who initially purchased such product display. Transportation and installation costs shall be excluded;

(b) All product displays shall bear in a conspicuous manner substantial advertising matter on the product or the name of the distiller, wholesaler, winemaker or brewer. The name and address of the retail business may appear on the product displays; and

(c) The giving or selling of product displays may be conditioned on the purchase of intoxicating beverages advertised on the displays by the retail business in a quantity necessary for the initial completion of the product display. No other condition shall be imposed by the distiller, wholesaler, winemaker or brewer on the retail business in order for such retail business to obtain the product display;

(2) Notwithstanding any provision of law to the contrary, the distiller, wholesaler, winemaker or brewer may give or sell any point of sale advertising materials and

consumer advertising specialties to a retail business if all the following requirements are met:

(a) The total value of all point of sale advertising materials and consumer advertising specialties given or sold to a retail business shall not exceed five hundred dollars per year, per brand, per retail outlet. The value of point of sale advertising materials and consumer advertising specialties is the actual cost to the distiller, wholesaler, winemaker or brewer who initially purchased such item. Transportation and installation costs shall be excluded;

(b) All point of sale advertising materials and consumer advertising specialties shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker or brewer. The name, address and logos of the retail business may appear on the point of sale advertising materials or the consumer advertising specialties; and

(c) The distiller, wholesaler, winemaker or brewer shall not directly or indirectly pay or credit the retail business for using or distributing the point of sale advertising materials or consumer advertising specialties or for any incidental expenses arising from their use or distribution;

(3) A malt beverage wholesaler or brewer may give a gift not to exceed a value of one thousand dollars per year, or sell something of value to a holder of a temporary permit as defined in section 311.482;

(4) The distiller, wholesaler, winemaker or brewer may sell equipment or supplies to a retail business if all the following requirements are met:

(a) The equipment and supplies shall be sold at a price not less than the cost to the distiller, wholesaler, winemaker or brewer who initially purchased such equipment and supplies; and

(b) The price charged for the equipment and supplies shall be collected in accordance with credit regulations as established in the Code of State Regulations;

(5) The distiller, wholesaler, winemaker or brewer may install dispensing accessories at the retail business establishment, which shall include for the purposes of intoxicating and nonintoxicating beer equipment to properly preserve and serve draught beer only and to facilitate the delivery to the retailer the brewers and wholesalers may lend, give, rent or sell and they may install or repair any of the following items or render to retail licensees any of the following services: beer coils and coil cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets and tap markers, beer and air hose, taps, vents and washers, gauges and regulators, beer and air distributors, beer line insulation, coil flush hose, couplings and bucket pumps; portable coil boxes, air pumps, blankets or other coverings for temporary wrappings of barrels, coil box overflow pipes, tilting platforms, bumper boards, skids, cellar ladders and ramps, angle irons, ice box grates, floor runways; and damage caused by any beer delivery excluding normal wear and tear and a complete record of equipment furnished and installed and repairs and service made or rendered must be kept by the brewer or wholesalers furnishing, making or rendering same for a period of not less than one year;

(6) The distiller, wholesaler, winemaker or brewer may furnish, give or sell coil cleaning service to a retailer of distilled spirits, wine or malt beverages;

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(7) A wholesaler of intoxicating liquor may furnish or give and a retailer may accept a sample of distilled spirits or wine as long as the retailer has not previously purchased the brand from that wholesaler, if all the following requirements are met:

(a) The wholesaler may furnish or give not more than seven hundred fifty milliliters of any brand of distilled spirits and not more than seven hundred fifty milliliters of any brand of wine; if a particular product is not available in a size within the quantity limitations of this subsection, a wholesaler may furnish or give to a retailer the next larger size;

(b) The wholesaler shall keep a record of the name of the retailer and the quantity of each brand furnished or given to such retailer;

(c) For the purposes of this subsection, no samples of intoxicating liquor provided to retailers shall be consumed on the premises nor shall any sample of intoxicating liquor be opened on the premises of the retailer except as provided by the retail license;

(d) For the purpose of this subsection, the word "brand" refers to differences in brand name of product or differences in nature of product; examples of different brands would be products having a difference in: brand name; class, type or kind designation; appellation of origin (wine); viticulture area (wine); vintage date (wine); age (distilled spirits); or proof (distilled spirits); differences in packaging such as a different style, type, size of container, or differences in color or design of a label or not considered different brands;

(8) The distiller, wholesaler, winemaker or brewer may package and distribute intoxicating beverages in combination with other nonalcoholic items as originally packaged by the supplier for sale ultimately to consumers; notwithstanding any provision of law to the contrary, for the purpose of this subsection, intoxicating liquor and wine wholesalers are not required to charge for nonalcoholic items anymore than the actual cost of purchasing such nonalcoholic items from the supplier;

(9) The distiller, wholesaler, winemaker or brewer may sell or give the retail business newspaper cuts, mats or engraved blocks for use in the advertisements of the retail business;

(10) The distiller, wholesaler, winemaker or brewer may in an advertisement list the names and addresses of two or more unaffiliated retail businesses selling its product if all of the following requirements are met:

(a) The advertisement shall not contain the retail price of the product;

(b) The listing of the retail businesses shall be the only reference to such retail businesses in the advertisement;

(c) The listing of the retail businesses shall be relatively inconspicuous in relation to the advertisement as a whole; and

(d) The advertisement shall not refer only to one retail business or only to a retail business controlled directly or indirectly by the same retail business;

(11) Notwithstanding any other provision of law to the contrary, distillers, winemakers, wholesalers, brewers or retailers may conduct a local or national sweepstakes/contest upon a licensed retail premise. However, no money or something of value may be given to the retailer for the privilege or opportunity of conducting the sweepstakes or contest;

(12) The distiller, wholesaler, winemaker or brewer may stock, rotate, rearrange or reset the products sold by such distiller, wholesaler, winemaker or brewer at the establishment of the retail business so long as the products of any other distiller, wholesaler, winemaker or brewer are not altered or disturbed;

(13) The distiller, wholesaler, winemaker or brewer may provide a recommended shelf plan or shelf schematic for distilled spirits, wine or malt beverages;

(14) The distiller, wholesaler, winemaker or brewer participating in the activities of a retail business association may do any of the following:

- (a) Display its products at a convention or trade show;
- (b) Rent display booth space if the rental fee is the same paid by all others renting similar space at the association activity;
- (c) Provide its own hospitality which is independent from the association activity;
- (d) Purchase tickets to functions and pay registration fees if such purchase or payment is the same as that paid by all attendees, participants or exhibitors at the association activity; and
- (e) Make payments for advertisements in programs or brochures issued by retail business associations at a convention or trade show if the total payments made for all such advertisements do not exceed three hundred dollars per year for any retail business association;

(15) The distiller, wholesaler, winemaker or brewer may sell its other merchandise which does not consist of intoxicating beverages to a retail business if the following requirements are met:

- (a) The distiller, wholesaler, winemaker or brewer shall also be in business as a bona fide producer or vendor of such merchandise;
- (b) The merchandise shall be sold at its fair market value;
- (c) The merchandise is not sold in combination with distilled spirits, wines or malt beverages except as provided in this section;
- (d) The acquisition or production costs of the merchandise shall appear on the purchase invoices or records of the distiller, wholesaler, winemaker or brewer; and
- (e) The individual selling prices of merchandise and intoxicating beverages sold to a retail business in a single transaction shall be determined by commercial documents covering the sales transaction; [and]

(16) The distiller, wholesaler, winemaker or brewer may sell or give an outside sign to a retail business if the following requirements are met:

- (a) The sign shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker or brewer;
- (b) The retail business shall not be compensated, directly or indirectly, for displaying the sign; and
- (c) The cost of the sign shall not exceed four hundred dollars;

**(17) A wholesaler may, but shall not be required to, exchange for an equal quantity of identical product or allow credit against outstanding indebtedness for intoxicating liquor with alcohol content of less than five percent by weight or nonintoxicating beer that was delivered in a damaged condition or damaged while in the possession of the retailer;**

**(18) To assure and control product quality, wholesalers at the time of a regular delivery may, but shall not be required to, withdraw, with the permission**

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of the retailer, a quantity of intoxicating liquor with alcohol content of less than five percent by weight or nonintoxicating beer in its undamaged original carton from the retailer's stock, if the wholesaler replaces the product with an equal quantity of identical product;

(19) In addition to withdrawals authorized pursuant to subdivision (18) of this subsection, to assure and control product quality, wholesalers at the time of a regular delivery may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of intoxicating liquor with alcohol content of less than five percent by weight and nonintoxicating beer in its undamaged original carton from the retailer's stock and give the retailer credit against outstanding indebtedness for the product if:

(a) The product is withdrawn at least thirty days after initial delivery and within twenty-one days of the date considered by the manufacturer of the product to be the date the product becomes inappropriate for sale to a consumer; and

(b) The quantity of product withdrawn does not exceed the equivalent of twenty-five cases of twenty-four twelve-ounce containers; and

(20) Nothing in this section authorizes consignment sales.

5. All contracts entered into between distillers, brewers and winemakers, or their officers or directors, in any way concerning any of their products, obligating such retail dealers to buy or sell only the products of any such distillers, brewers or winemakers or obligating such retail dealers to buy or sell the major part of such products required by such retail vendors from any such distiller, brewer or winemaker, shall be void and unenforceable in any court in this state.

6. Notwithstanding any other provisions of this chapter to the contrary, a distiller or wholesaler may install dispensing accessories at the retail business establishment, which shall include for the purposes of distilled spirits, equipment to properly preserve and serve premixed distilled spirit beverages only, to facilitate delivery to the retailer, the distiller or wholesaler may lend, give, rent or sell and the distiller or wholesaler may install or repair any of the following items or render to retail licensees any of the following services: coils and coil cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping heads, hoses, valves and other minor tapping equipment components, and damage caused by any delivery excluding normal wear and tear. A complete record of equipment furnished and installed and repairs or service made or rendered shall be kept by the distiller or wholesaler, furnishing, making or rendering the same for a period of not less than one year.

7. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the contrary, distillers, winemakers, brewers or their employees, or officers shall be permitted to make contributions of money or merchandise to a licensed retail liquor dealer that is a charitable or religious organization as defined in section 313.005, RSMo, or an educational institution if such contributions are unrelated to such organization's retail operations.

[7.]8. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the contrary, a brewer or manufacturer, its employees, officers or agents may have a financial interest in the retail business for sale of intoxicating liquors and

nonintoxicating beer at entertainment facilities owned, in whole or in part, by the brewer or manufacturer, its subsidiaries or affiliates including, but not limited to, arenas and stadiums used primarily for concerts, shows and sporting events of all kinds.

[8.]9. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the contrary, for the purpose of the promotion of tourism, a wine manufacturer, its employees, officers or agents located within this state may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises where sold, if the premises so licensed is in close proximity to the winery. Such premises may remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday and between the hours of 11:00 a.m. and 9:00 p.m., Sunday.

**311.485. TEMPORARY LOCATION FOR LIQUOR BY THE DRINK, CATERERS — PERMIT AND FEE REQUIRED — OTHER LAWS APPLICABLE, EXCEPTION. —** 1. The supervisor of liquor control may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a "festival" as defined in chapter 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred twenty consecutive hours, and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this section, the permittee shall pay to the director of revenue the sum of ten dollars for each calendar day, or fraction thereof, for which the permit is issued.

2. Except as provided in subsection 3 of this section, all provisions of the liquor control law and the ordinances, rules and regulations of the incorporated city, or the unincorporated area of any county, in which is located the premises in which such function, occasion or event is held shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. Except for Missouri-produced wines in the original package, the provisions of this section shall not include the sale of packaged goods covered by this temporary permit.

3. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages, in the course of his or her catering business. A caterer who possesses a valid state and valid local liquor license need not obtain a separate license for each city the caterer delivers in, so long as such city permits any caterer to deliver alcoholic beverages within the city.

**4. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight or nonintoxicating beer delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two hours of the expiration of the catering permit issued pursuant to this section.**

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**311.510. INSPECTION OF MALT LIQUORS — DUTY OF SUPERVISOR. — 1.** It shall be the duty of the supervisor of liquor control to cause to be inspected all beer, as defined in this chapter, or other intoxicating malt liquors, brewed, manufactured or sold in this state, and he shall determine whether such beer or other intoxicating malt liquor has been made from pure hops or the pure extract of hops, or of pure barley malt or other wholesome grains or cereals, or wholesome yeast, and pure water, and whether the package containing such beer or intoxicating malt liquor has been correctly labeled to show that the same has been made from wholesome ingredients.

**2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control shall not require product samples and shall not require the testing of product samples to determine alcohol content prior to granting approval for the sale of any such beer or other intoxicating malt liquor product in the state of Missouri if the supervisor of liquor control is provided with a copy of a certificate of label approval issued by the Federal Bureau of Alcohol, Tobacco and Firearms which verifies the alcohol content of the product.**

**311.540. LIQUOR INSPECTION, LABELING AND GAUGING — REQUIREMENTS. —**

**1.** Every person, persons or corporation who shall manufacture or distill spirituous liquors, including brandy, rum, whiskey, and gin, and other spirituous liquors, within this state, and wholesale or retail dealers or any other person who shall import such intoxicating liquors into this state, for the purpose of sale or offering the same for sale in this state, shall, before offering the same for sale, cause the same to be inspected and gauged by the supervisor of liquor control. It shall be the duty of the supervisor of liquor control to inspect and gauge such character of intoxicating liquor referred to in this section and to ascertain whether the same is correctly labeled.

**2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control shall not require product samples and shall not require the testing of product samples to determine alcohol content prior to granting approval for the sale of any such spirituous liquors product in the state if the supervisor of liquor control is provided with a copy of a certificate of label approval issued by the Federal Bureau of Alcohol, Tobacco and Firearms which verifies the alcohol content of the product.**

**312.210. INSPECTION. — 1.** It shall be the duty of the supervisor of liquor control to inspect, or to cause to be inspected, all nonintoxicating beer brewed or manufactured and sold, or sold, in this state, and he shall determine whether such nonintoxicating beer has been made from pure hops or pure extract of hops and pure barley malt, or other wholesome grains or cereals, and wholesome yeast and pure water, and whether the package or packages containing such nonintoxicating beer have been correctly stamped to show that the same has been made from pure hops or pure extract of hops and pure barley malt, or other wholesome grains or cereals, and wholesome yeast and pure water.

**2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control shall not require product samples and shall not require the testing of product samples to determine alcohol content prior to granting approval for the sale of any such nonintoxicating beer product in the state of Missouri if the supervisor of liquor control is provided with a copy of a**

**certificate of label approval issued by the Federal Bureau of Alcohol, Tobacco and Firearms which verifies the alcohol content of the product.**

Approved June 27, 2000

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HB 1647 [HB 1647]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Allows the city of North Kansas City to establish reserve funds.**

AN ACT to amend chapter 77, RSMo, relating to third class cities, by adding thereto one new section relating to capital improvement reserve funds in third class cities.

SECTION

A. Enacting clause.

77.670. Reserve funds, certain third class cities may establish (including North Kansas City).

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 77, RSMo, is amended by adding thereto one new section, to be known as section 77.670, to read as follows:

**77.670. RESERVE FUNDS, CERTAIN THIRD CLASS CITIES MAY ESTABLISH (INCLUDING NORTH KANSAS CITY).** — **The governing body of any third class city with a population of more than four thousand but less than four thousand five hundred inhabitants that is located in a county of the first classification with a population of more than one hundred fifty thousand but less than one hundred seventy thousand inhabitants may establish, by ordinance, reserve funds. In the ordinance establishing the reserve funds, the city may either earmark the funds for a specific project, or for operations in general. The repeal or amendment of any such ordinance shall be approved by the qualified voters of the city.**

Approved June 27, 2000

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HB 1659 [SCS HB 1659]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Authorizes sales and tourism taxes for certain cities and counties.**

AN ACT to repeal section 144.157, RSMo 1994, and sections 67.1003 and 67.1360, RSMo Supp. 1999, relating to sales taxes, and to enact in lieu thereof four new sections relating to the same subject.

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## SECTION

## A. Enacting clause.

- 67.1003. Transient guest tax on hotels and motels in counties and cities meeting a room requirement or a population requirement, amount, issue submitted to voters, ballot language.
- 67.1360. Transient guests to pay tax for funding the promotion of tourism, certain cities and counties, vote required (including Bloomfield, Bonne Terre, Boonville, Caruthersville, Desloge, Grain Valley, Hollister, Howard County, Leadington, Lebanon, New Madrid County and fourth class cities therein, Park Hills, St. James and Stoddard County).
- 94.1008. Economic development sales tax authorized for Kirksville, ballot language, expiration date, collection, rate, creation of fund.
- 144.157. Violations in collecting, penalty.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 144.157, RSMo 1994, and sections 67.1003 and 67.1360 are repealed and four new sections enacted in lieu thereof, to be known as sections 67.1003, 67.1360, 94.1008 and 144.157, to read as follows:

**67.1003. TRANSIENT GUEST TAX ON HOTELS AND MOTELS IN COUNTIES AND CITIES MEETING A ROOM REQUIREMENT OR A POPULATION REQUIREMENT, AMOUNT, ISSUE SUBMITTED TO VOTERS, BALLOT LANGUAGE.** — 1. The governing body of any city or county, other than a city or county already imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof pursuant to any other law of this state, having more than three hundred fifty hotel and motel rooms inside such city or county or a county of the third classification with a population of [less than seven thousand three hundred fifty and having an assessed valuation of less than forty-nine million dollars] **more than seven thousand but less than seven thousand four hundred inhabitants** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. Notwithstanding any other provision of law to the contrary, the tax authorized in this section shall not be imposed in any city or county [where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof is imposed] **already imposing such tax** pursuant to any other law of this state.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of

city or county) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ YES

☐ NO

4. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

**67.1360. TRANSIENT GUESTS TO PAY TAX FOR FUNDING THE PROMOTION OF TOURISM, CERTAIN CITIES AND COUNTIES, VOTE REQUIRED (INCLUDING BLOOMFIELD, BONNE TERRE, BOONVILLE, CARUTHERSVILLE, DESLOGE, GRAIN VALLEY, HOLLISTER, HOWARD COUNTY, LEADINGTON, LEBANON, NEW MADRID COUNTY AND FOURTH CLASS CITIES THEREIN, PARK HILLS, ST. JAMES AND STODDARD COUNTY).** — The governing body of a city with a population of more than seven thousand and less than seven thousand five hundred and a county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003, or a third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants, or any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants, or any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty- eight thousand inhabitants, or any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants, or any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants, **or any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand, or any county of the second classification without a township form of government and a population of less than thirty thousand or any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand, or any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand and any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand, or any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within**

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a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand, may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

**94.1008. ECONOMIC DEVELOPMENT SALES TAX AUTHORIZED FOR KIRKSVILLE, BALLOT LANGUAGE, EXPIRATION DATE, COLLECTION, RATE, CREATION OF FUND.**

— 1. The governing body of any third class city with a population of at least seventeen thousand which is located in a county of the third classification without a township form of government and with a population of at least twenty-four thousand four hundred but not in excess of twenty-five thousand may impose, by ordinance or order, an economic development sales tax on all retail sales which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, for the purpose of funding economic development. For the purposes of this section, the term "economic development" shall mean funding any economic development project approved by the voters, including a transportation corporation, as defined in sections 238.300 to 238.367, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law. The ordinance or order shall become effective after the governing body of the city shall submit to the voters of that city a proposal to authorize the tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of ..... (name of city) impose a sales tax of ..... (insert rate) for the purpose of funding economic development in order to fund a ..... (description of economic development project to be approved); provided that, the sales tax shall terminate upon the payment of all bonds issued to complete the ..... (description of economic development project to be approved)? There is no guarantee of any state funding.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order shall be in effect, beginning the first day of the second calendar quarter following its adoption or a later date if authorized by the governing body. If the governing body has not authorized the initial collection of the tax pursuant to such

ordinance or order within three years after the date of the passage of the proposal, authorization for the governing body to impose such tax shall expire. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the city shall have no power to impose the sales tax authorized in this section unless and until the governing body of the city shall again have submitted another such proposal and the proposal is approved by the requisite majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal submitted pursuant to this section.

3. After the effective date of any tax imposed pursuant to the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement and operation of the tax in the same manner as provided in sections 94.500 to 94.550, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized pursuant to the authority of this section. The tax imposed pursuant to this section and the tax imposed pursuant to the sales tax law of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

4. The economic development sales tax may be approved at a rate of one-quarter of one percent, one-half of one percent, three-fourths of one percent or one percent of the receipts from the sale at retail of all tangible personal property and taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo.

5. All revenue generated from the tax authorized pursuant to the provisions of this section, less one percent for the cost of collection which shall be deposited in the general revenue fund, shall be deposited into the "Local Economic Development Sales Tax Fund", which is hereby created in the state treasury. The fund moneys shall be distributed to the city from which the revenue was generated for the sole purpose of funding economic development, as that term is defined in this section. The tax authorized by this section shall terminate as approved by the voters.

**144.157. VIOLATIONS IN COLLECTING, PENALTY.** — 1. Any person required to collect, truthfully account for and pay over any tax imposed by sections **67.1170 to 67.1180, 94.800 to 94.825, RSMo, and sections** 144.010 to 144.525 and 144.600 to 144.745 who willfully fails to collect such tax or truthfully account for and pay over such tax or willfully attempts in any manner to evade or defeat the tax or the payment thereof, or who shall willfully and knowingly overcharge or overcollect such tax with intent to make claim to any such overcharged or overcollected amounts under section 144.190, shall, in addition to other penalties provided by law, be liable to a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over, or overcharged or overcollected.

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2. For purposes of this section, the term "person" includes an individual or an officer or employee of any corporation, including an administratively dissolved corporation or a foreign corporation that has had its certificate of authority revoked, or a member or employee of any partnership, who, as such officer, employee or member, is under a duty to perform the act in respect of which the violation occurs.

3. Any officers, directors, statutory trustees or employees of any corporation, including administratively dissolved corporations or foreign corporations that have had their certificate of authority revoked, subject to the provisions of sections 144.010 to 144.745, who has the direct control, supervision or responsibility for filing returns and making payment of the amount of tax imposed in accordance with sections 144.010 to 144.745, and who fails to file such return and make payment of all taxes due with the director of revenue shall be personally assessed for such amounts, including interest, additions to tax and penalties thereon. This assessment shall be imposed only in the event that the assessment on the corporation is final, and such corporation fails to pay such amounts to the director of revenue. Notice shall be given of the director of revenue's intent to make the assessment against such officers, directors, statutory trustees or employees. The personal liability of such officers, directors, statutory trustees or employees as provided in this section shall survive the administrative dissolution of the corporation or, if a foreign corporation, the revocation of the corporation's certificate of authority.

Approved June 27, 2000

## HB 1677 [SCS HS HCS HB 1677, 1675 & 1676]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Amends or creates various domestic violence and criminal reporting laws.**

AN ACT to repeal sections 455.085, 455.220 and 455.230, RSMo 1994, and sections 210.001, 375.1312, 455.010, 455.045, 455.050, 455.205, 455.540, 455.543, 455.545 and 565.063, RSMo Supp. 1999, and to enact in lieu thereof twenty new sections relating to domestic violence, with penalty provisions.

#### SECTION

- A. Enacting clause.
- 43.505. Uniform crime reporting system established — duties of department — violations, penalty.
- 210.001. Department of social services to meet needs of homeless, dependent and neglected children — only certain regional child assessment centers funded.
- 375.1312. Domestic violence, status as a victim not to be used by insurer — definitions — penalty — innocent coinsured, benefits paid, when.
- 455.010. Definitions.
- 455.045. Temporary relief available.
- 455.050. Full or ex parte order of protection, abuse or stalking, contents — relief available.
- 455.085. Arrest for violation of order — penalties — good faith immunity for law enforcement officials.

- 455.205. Funding shelters — fees for marriage licenses — surcharge for filing of civil case, how established, amount — reports.
- 455.220. Requirements for shelter to qualify for funds.
- 455.230. Annual reports by shelters, contents — confidentiality — child assessment center established by department.
- 455.300. Missouri domestic violence commission established — members, meetings, rules.
- 455.305. Domestic violence intervention/rehabilitation pilot projects — purpose, funding, rules.
- 455.540. Definitions.
- 455.543. Homicides or suicides, determination of domestic violence, factors to be considered — reports made to highway patrol, forms, due when.
- 455.545. Annual report by highway patrol.
- 455.550. Social Security number of respondent included in full orders of protection.
- 565.063. Prior and persistent domestic violence offenders — definitions — sentencing — procedure at trial — evidence of prior convictions, proof, how heard — past history of domestic violence, evidence admissible.
- 565.072. Domestic assault, first degree — penalty.
- 565.073. Domestic assault, second degree — penalty.
- 565.074. Domestic assault, third degree — penalty.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 455.085, 455.220 and 455.230, RSMo 1994, and sections 210.001, 375.1312, 455.010, 455.045, 455.050, 455.205, 455.540, 455.543, 455.545 and 565.063, RSMo Supp. 1999, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 43.505, 210.001, 375.1312, 455.010, 455.045, 455.050, 455.085, 455.205, 455.220, 455.230, 455.300, 455.305, 455.540, 455.543, 455.545, 455.550, 565.063, 565.072, 565.073 and 565.074, to read as follows:

**43.505. UNIFORM CRIME REPORTING SYSTEM ESTABLISHED — DUTIES OF DEPARTMENT — VIOLATIONS, PENALTY. — 1.** The department of public safety is hereby designated as the central repository for the collection, maintenance, analysis and reporting of crime incident activity generated by law enforcement agencies in this state. The department shall develop and operate a uniform crime reporting system that is compatible with the national uniform crime reporting system operated by the Federal Bureau of Investigation.

**2.** The department of public safety shall:

(1) Develop, operate and maintain an information system for the collection, storage, maintenance, analysis and retrieval of crime incident and arrest reports from Missouri law enforcement agencies;

(2) Compile the statistical data and forward such data as required to the Federal Bureau of Investigation or the appropriate Department of Justice agency in accordance with the standards and procedures of the national system;

(3) Provide the forms, formats, procedures, standards and related training or training assistance to all law enforcement agencies in the state as necessary for such agencies to report incident and arrest activity for timely inclusion into the statewide system;

(4) Annually publish a report on the nature and extent of crime and submit such report to the governor and the general assembly. Such report and other

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statistical reports shall be made available to state and local law enforcement agencies and the general public through an electronic or manual medium;

(5) Maintain the privacy and security of information in accordance with applicable state and federal laws, regulations and orders; and

(6) Establish such rules and regulations as are necessary for implementing the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMO, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

3. Every law enforcement agency in the state shall:

(1) Submit crime incident reports to the department of public safety on forms or in the format prescribed by the department; and

(2) Submit any other crime incident information which may be required by the department of public safety.

4. Any law enforcement agency that violates this section may be ineligible to receive state or federal funds which would otherwise be paid to such agency for law enforcement, safety or criminal justice purposes.

**210.001. DEPARTMENT OF SOCIAL SERVICES TO MEET NEEDS OF HOMELESS, DEPENDENT AND NEGLECTED CHILDREN — ONLY CERTAIN REGIONAL CHILD ASSESSMENT CENTERS FUNDED.** — 1. The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the division of family services and to their families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Insuring that appropriate social services are provided to the family unit both prior to the removal of the child from the home and after family reunification;

(3) Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.

2. The department of social services shall fund only regional child assessment centers know as:

(1) The St. Louis city child assessment center;

(2) The St. Louis County child assessment center;

(3) The Jackson County child assessment center;

(4) The Buchanan County child assessment center;

(5) The Greene County child assessment center;

(6) The Boone County child assessment center;

(7) The Joplin child assessment center; [and]

(8) The St. Charles County child assessment center;

- (9) The Jefferson County child assessment center; and
- (10) The Pettis County child assessment center.

**375.1312. DOMESTIC VIOLENCE, STATUS AS A VICTIM NOT TO BE USED BY INSURER — DEFINITIONS — PENALTY — INNOCENT COINSURED, BENEFITS PAID, WHEN.** — 1. As used in this section, the following terms mean:

(1) "Domestic violence", the occurrence of **stalking or** one or more of the following acts between family or household members:

(a) Attempting to cause or intentionally or knowingly causing bodily injury or physical harm;

(b) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person under circumstances that place the person in reasonable fear of bodily injury or physical harm; or

(c) Knowingly committing forcible rape, sexual assault or forcible sodomy, as defined in chapter 566, RSMo;

(2) "Family or household member", [a spouse, former spouse, person living with another person, whether or not as spouses, parent or other adult person related by consanguinity or affinity who is residing or has resided with the person committing the domestic violence and dependents of such persons] **spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past and adults who have a child in common regardless of whether they have been married or have resided together at any time;**

(3) "Innocent coinsured", an insured who did not cooperate in or contribute to the creation of a property loss and the loss arose out of a pattern of domestic violence;

(4) "Sole", a single act or a pattern of domestic violence which may include multiple acts;

(5) "Stalking", when an adult purposely and repeatedly harasses or follows with the intent of harassing another adult. As used in this subdivision, "harasses" means to engage in a course of conduct directed at a specific adult that serves no legitimate purpose, that would cause a reasonable adult to suffer substantial emotional distress. As used in this subdivision, "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct".

2. No insurer shall do any of the following on the sole basis of the status of an insured or prospective insured as a victim of domestic violence:

(1) Deny, cancel or refuse to issue or renew an insurance policy;

(2) Require a greater premium, deductible or any other payment;

(3) Exclude or limit coverage for losses or deny a claim;

(4) Designate domestic violence as a preexisting condition for which coverage will be denied or reduced;

(5) Terminate group coverage solely because of claims relating to the fact that any individual in the group is or has been a victim of domestic violence; or

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(6) Fix any lower rate or discriminate in the fees or commissions of an agent for writing or renewing a policy insuring an individual solely because an individual is or has been a victim of domestic violence.

3. The fact that an insured or prospective insured has been a victim of domestic violence shall not be considered a permitted underwriting or rating criterion.

4. Nothing in this section shall prohibit an insurer from taking an action described in subsection 2 of this section if the action is otherwise permissible by law and is taken in the same manner and to the same extent with respect to all insureds and prospective insureds without regard to whether the insured or prospective insured is a victim of domestic violence.

**5. If an innocent coinsured files a police report and completes a sworn affidavit for the insurer that indicates both the cause of the loss and a pledge to cooperate in any criminal prosecution of the person committing the act causing the loss, then no insurer shall deny payment to an innocent coinsured on a property loss claim due to any policy provision that excludes coverage for intentional acts. Payment to the innocent coinsured may be limited to such innocent coinsured's ownership interest in the property as reduced by any payment to a mortgagor or other secured interest; however, insurers shall not be required to make any subsequent payment to any other insured for the part of any loss for which the innocent coinsured has received payment. An insurer making payment to an insured shall have all rights of subrogation to recover against the perpetrator of the loss.**

6. A violation of this section shall be subject to the provisions of sections 375.930 to 375.948, relating to unfair trade practices.

**455.010. DEFINITIONS.** — As used in sections 455.010 to 455.085, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse" includes but is not limited to the occurrence of any of the following acts, attempts, or threats against a person who may be protected [under] **pursuant to** sections 455.010 to 455.085:

(a) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

(b) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

(c) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

(d) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to another adult and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner. Such conduct might include, but is not limited to:

a. Following another about in a public place or places;

b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;

(e) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress;

(f) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will;

(2) "Adult", any person eighteen years of age or older or otherwise emancipated;

(3) "Court", the circuit or associate circuit judge or a family court commissioner;

(4) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;

(5) "Family" or "household member", spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past, **an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim**, and adults who have a child in common regardless of whether they have been married or have resided together at any time;

(6) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;

(7) "Order of protection", either an ex parte order of protection or a full order of protection;

(8) "Petitioner", a family or household member or an adult who has been the victim of stalking, who has filed a verified petition [under] **pursuant to** the provisions of section 455.020;

(9) "Respondent", the family or household member or adult alleged to have committed an act of stalking, against whom a verified petition has been filed;

(10) "Stalking" is when an adult purposely and repeatedly harasses or follows with the intent of harassing another adult. As used in this subdivision, "harasses" means to engage in a course of conduct directed at a specific adult that serves no legitimate purpose, that would cause a reasonable adult to suffer substantial emotional distress. As used in this subdivision, "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct".

**455.045. TEMPORARY RELIEF AVAILABLE.** — Any ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from abuse or stalking and may include:

(1) Restraining the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner;

(2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

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- (d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;
- (3) **Restraining the respondent from communicating with the petitioner in any manner or through any medium;**
- (4) A temporary order of custody of minor children where appropriate.

**455.050. FULL OR EX PARTE ORDER OF PROTECTION, ABUSE OR STALKING, CONTENTS — RELIEF AVAILABLE. —** 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from abuse or stalking and may include:

- (1) Temporarily enjoining the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner;
- (2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:
  - (a) Jointly owned, leased or rented or jointly occupied by both parties; or
  - (b) Owned, leased [or], rented **or occupied** by petitioner individually; or
  - (c) Jointly owned, leased [or], rented **or occupied** by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or
  - (d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit[.]; **or**
- (3) **Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium;**

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

- (1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;
- (2) Establish a visitation schedule that is in the best interests of the child;
- (3) Award child support in accordance with supreme court rule 88.01 and chapter 452, RSMo;
- (4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452, RSMo;
- (5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;
- (6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;
- (7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;
- (8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs;

**(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent.**

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452, RSMo, and shall consider all other factors in accordance with chapter 452, RSMo.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair the child's emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further abuse. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452, RSMo, whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452, RSMo.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452, RSMo.

**455.085. ARREST FOR VIOLATION OF ORDER — PENALTIES — GOOD FAITH IMMUNITY FOR LAW ENFORCEMENT OFFICIALS. —** 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to abuse or assault, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the

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violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest he is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party he believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

(1) The intent of the law to protect victims of domestic violence from continuing abuse;

(2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;

(3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of family violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether he should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to abuse, stalking, child custody, **communication initiated by the respondent** or entrance upon the premises of the petitioner's dwelling unit, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to abuse, stalking, child custody, **communication initiated by the respondent** or entrance upon the premises of the petitioner's dwelling unit, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of abuse or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270, RSMo.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

**455.205. FUNDING SHELTERS — FEES FOR MARRIAGE LICENSES — SURCHARGE FOR FILING OF CIVIL CASE, HOW ESTABLISHED, AMOUNT — REPORTS.** — 1. The governing body of any county, or of any city not within a county, by order or ordinance to be effective prior to January 1, [2000] **2001**, may impose a fee upon the issuance of a marriage license and may impose a surcharge upon any civil case filed in the circuit court [under the provisions of section 452.305, RSMo]. The surcharge shall not be charged when [no court costs are otherwise required, and shall not be charged when] costs are waived or are to be paid by the state, county or municipality.

2. The fee imposed upon the issuance of a marriage license shall be five dollars, shall be paid by the person applying for the license, and shall be collected by the recorder of deeds at the time the license is issued. The surcharge imposed upon the

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filing of a civil action shall be two dollars, shall be paid by the party who filed the petition, and shall be collected and disbursed by the clerk of the court in the manner provided by sections 488.010 to 488.020, RSMo. Such amounts shall be payable to the treasuries of the counties from which such surcharges were paid.

3. At the end of each month, the recorder of deeds shall file a verified report with the county commission of the fees collected pursuant to the provisions of subsection 2 of this section. The report may be consolidated with the monthly report of other fees collected by such officers. Upon the filing of the reports the recorder of deeds shall forthwith pay over to the county treasurer all fees collected pursuant to subsection 2 of this section. The county treasurer shall deposit all such fees upon receipt in a special fund to be expended only to provide financial assistance to shelters for victims of domestic violence as provided in sections 455.200 to 455.230.

**455.220. REQUIREMENTS FOR SHELTER TO QUALIFY FOR FUNDS. — 1.** To qualify for funds allocated and distributed pursuant to section 455.215 a shelter shall meet all of the following requirements:

- (1) Be incorporated in the state as a nonprofit corporation;
- (2) Have trustees who represent the racial, ethnic and socioeconomic diversity of the community to be served, at least one of whom must possess personal experience in confronting or mitigating the problems of domestic violence;
- (3) Receive at least twenty-five percent of its funds from sources other than funds distributed pursuant to section 455.215. These other sources may be public or private and may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;
- (4) Provide residential service or facilities for children when accompanied by a parent, guardian, or custodian who is a victim of domestic violence and who is receiving temporary residential service at the shelter;
- (5) Require persons employed by or volunteering services to the shelter to maintain the confidentiality of any information that would identify individuals served by the shelter **and any information or records that are directly related to the advocacy services provided to such individuals;**
- (6) **Prior to providing any advocacy services, inform individuals served by the shelter of the nature and scope of the confidentiality requirement in subdivision (5) of this subsection.**

**2. Any person employed by or volunteering services to a shelter for victims of domestic violence shall be incompetent to testify concerning any confidential information described in subdivision (5) of subsection 1 of this section, unless the confidentiality requirement is waived in writing by the individual served by the shelter.**

3. A shelter does not qualify for funds if it discriminates in its admissions or provision of services on the basis of race, religion, color, age, marital status, national origin, or ancestry.

**455.230. ANNUAL REPORTS BY SHELTERS, CONTENTS — CONFIDENTIALITY — CHILD ASSESSMENT CENTER ESTABLISHED BY DEPARTMENT. — 1.** A shelter for victims of domestic violence that receives funds pursuant to sections 455.200 to

455.230 shall file an annual report with the designated authority of the county, or of the city not within a county, in which it is located, on or before the thirty-first day of March of the year following the year in which funds were received. The annual report shall include statistics on the number of persons served by the shelter, the relationship of the victim of domestic violence to the abuser, the number of referrals made for medical, psychological, financial, educational, vocational, child care services or legal services, and shall include the results of an independent audit. No information contained in the report shall identify any person served by the shelter or enable any person to determine the identity of any such person. **Any information contained in the report that is directly related to advocacy services provided by the shelter shall not be construed as a violation of section 455.220. Any shelter for victims of domestic violence as defined in this chapter may apply to the department of public safety for a grant to provide funds for the renovation, construction and improvement of such shelter on a 75/25 state/local match rate, subject to appropriation.**

2. The designated authority shall compile the reports filed pursuant to subsection 1 of this section annually.

3. **In addition to any shelter funded under said section, subject to appropriation, the department of social services shall fund a child assessment center to serve the needs of children from families in conflict and from domestic violence to be located in any county of the first classification without a charter form of government with a population of more than one hundred sixty thousand but less than two hundred thousand.**

**455.300. MISSOURI DOMESTIC VIOLENCE COMMISSION ESTABLISHED — MEMBERS, MEETINGS, RULES. — 1. There is hereby established the "Missouri Domestic Violence Commission" within the department of public safety, to study solutions for domestic violence in Missouri. The commission shall be composed of the following members:**

(1) One judge of a juvenile court, who shall be appointed by the chief justice of the supreme court;

(2) One judge of a family court, who shall be appointed by the chief justice of the supreme court;

(3) Nine members of the general public, five of whom shall represent domestic violence providers and one of whom shall represent a state-wide coalition against domestic violence. All members shall serve for as long as they hold the position which made them eligible for appointment to the Missouri domestic violence commission under this subsection. All members shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

2. All meetings of the Missouri domestic violence commission shall be open to the public and shall, for all purposes, be deemed open public meetings under the provisions of sections 610.010 to 610.030, RSMo. The Missouri domestic violence commission shall meet no less than once every two months, and shall hold its first meeting no later than sixty days after January 1, 2001. Notice of all meetings of the commission shall be given to the general assembly in the same

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manner required for notifying the general public of meetings of the general assembly.

3. The Missouri domestic violence commission may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.

4. The commission shall elect from amongst its members a chairman, vice chairman, a secretary-reporter, and such other officers as it deems necessary.

5. The services of the personnel of any agency from which the director or deputy director is a member of the commission shall be made available to the commission at the discretion of such director or deputy director. All meetings of the commission shall be held in the state of Missouri.

6. The commission, by majority vote, may invite individuals representing local and federal agencies or private organizations and the general public to serve as ex officio members of the commission. Such individuals shall not have a vote in commission business and shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

**455.305. DOMESTIC VIOLENCE INTERVENTION/REHABILITATION PILOT PROJECTS — PURPOSE, FUNDING, RULES. — 1.** Beginning in 2001, the department of social services and the Missouri domestic violence commission established pursuant to this chapter, shall establish and administer up to twenty domestic violence intervention/rehabilitation pilot projects. Such projects shall operate as satellite projects through existing domestic violence prevention facilities where no such facilities exist for the following purposes:

(1) To implement, expand, and establish cooperative efforts between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence;

(2) To prevent domestic violence and provide immediate shelter for victims of domestic violence;

(3) To provide treatment and counseling to victims of domestic violence; and

(4) To work in cooperation with the community to develop education and prevention strategies regarding domestic violence.

2. Funding for the pilot programs shall be subject to appropriation.

3. The department and the commission shall promulgate rules and regulations, pursuant to chapter 536, RSMo, to implement, administer, and monitor the pilot projects. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

4. Beginning in 2001, the department and the commission shall submit an annual report of its activities to the speaker of the house of representatives, the president pro tem of the senate, and the governor before December thirty-first of each year.

**455.540. DEFINITIONS.** — As used in sections 455.540 to 455.547, the following terms shall mean:

- (1) "Adult", any person eighteen years of age or older;
- (2) "Domestic violence", as provided in section 455.200[;
- (3) "Homicide", any crime which may be charged as one of the following: first degree murder pursuant to section 565.020, RSMo; second degree murder pursuant to section 565.021, RSMo; voluntary manslaughter pursuant to section 565.023, RSMo; or involuntary manslaughter pursuant to section 565.024, RSMo].

**455.543. HOMICIDES OR SUICIDES, DETERMINATION OF DOMESTIC VIOLENCE, FACTORS TO BE CONSIDERED — REPORTS MADE TO HIGHWAY PATROL, FORMS, DUE WHEN.** — 1. [In any case involving a homicide where the victim is an adult, the local law enforcement agency with jurisdiction shall make a determination as to whether there is reason to believe the homicide is related to domestic violence.] **In any incident investigated by a law enforcement agency involving a homicide or suicide, the law enforcement agency shall make a determination as to whether the homicide or suicide is related to domestic violence, as defined in section 455.200.**

2. In making such determination, the local law enforcement agency may consider a number of factors including, but not limited to, the following:

- (1) **If the relationship between the perpetrator and the victim is or was that of a family or household member, as defined in section 455.010;**
- (2) Whether the victim **or perpetrator** had previously filed for an order of protection [pursuant to this chapter];
- (3) Whether [such agency has previously investigated or received reports of alleged incidents of domestic violence against the victim] **any of the subjects involved in the incident had previously been investigated for incidents of domestic violence;** and
- (4) Any other evidence regarding the homicide **or suicide** that assists the agency in making its determination.

3. After making a determination as to whether the homicide **or suicide** is related to domestic violence, the [chief local] law enforcement [officer or his designee shall complete an appropriate form stating whether the homicide was related to domestic violence and which] **agency shall forward the information required within fifteen days to the Missouri state highway patrol on a form or format approved by the patrol. The required information shall include the [name,] gender and age of the victim, the type of incident investigated, the disposition of the incident and the relationship of the victim to the perpetrator.** The state highway patrol shall develop a form for this purpose which shall be distributed by the department of public safety to all [local] law enforcement agencies by October 1, [1998] **2000.** Completed forms shall be forwarded to the highway patrol [no later than seven days after a suspect is arrested for the homicide] **without undue delay as required by section 43.500,**

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**RSMo; except that all such reports shall be forwarded no later than seven days after an incident is determined or identified as a homicide or suicide involving domestic violence.**

**455.545. ANNUAL REPORT BY HIGHWAY PATROL.** — The highway patrol shall compile an annual report of homicides **and suicides** related to domestic violence. Such report shall be presented by February first of the subsequent year to the governor, speaker of the house of representatives, and president pro tempore of the senate.

**455.550. SOCIAL SECURITY NUMBER OF RESPONDENT INCLUDED IN FULL ORDERS OF PROTECTION.** — **All full orders of protection issued pursuant to this chapter shall include the Social Security number of the respondent, if known.**

**565.063. PRIOR AND PERSISTENT DOMESTIC VIOLENCE OFFENDERS — DEFINITIONS — SENTENCING — PROCEDURE AT TRIAL — EVIDENCE OF PRIOR CONVICTIONS, PROOF, HOW HEARD — PAST HISTORY OF DOMESTIC VIOLENCE, EVIDENCE ADMISSIBLE.** — 1. As used in this section, the following terms mean:

(1) "Domestic assault offense"[,]:

(a) **The commission of the crime of domestic assault in the first degree pursuant to section 565.072 or domestic assault in the second degree pursuant to section 565.073; or**

(b) The commission of the crime of assault in the first degree[,] pursuant to the provisions of section 565.050[,] or assault in the second degree pursuant to the provisions of section 565.060, if the victim of the assault was a family or household member;

(2) "Family" or "household member", spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past and adults who have a child in common regardless of whether they have been married or have resided together at any time;

(3) "Persistent domestic violence offender", a person who has pleaded guilty to or has been found guilty of two or more domestic assault offenses, where such two or more offenses occurred within ten years of the occurrence of the domestic assault offense for which the person is charged; and

(4) "Prior domestic violence offender", a person who has pleaded guilty to or has been found guilty of one domestic assault offense, where such prior offense occurred within five years of the occurrence of the domestic assault offense for which the person is charged.

2. No court shall suspend the imposition of sentence as to a prior or persistent domestic violence offender pursuant to this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding, nor shall such person be eligible for parole or probation until such person has served a minimum of six months imprisonment.

3. The court shall find the defendant to be a prior domestic violence offender or persistent domestic violence offender, if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior domestic violence offender or persistent domestic violence offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior domestic violence offender or persistent domestic violence offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior domestic violence offender or persistent domestic violence offender.

4. In a jury trial, such facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

5. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

6. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

7. The defendant may waive proof of the facts alleged.

8. Nothing in this section shall prevent the use of presentence investigations or commitments.

9. At the sentencing hearing both the state and the defendant shall be permitted to present additional information bearing on the issue of sentence.

10. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

11. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior domestic violence offenders or persistent domestic violence offenders.

12. Evidence of prior convictions shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon.

13. Evidence of similar criminal convictions of domestic violence pursuant to this chapter, chapter 566, RSMo, or chapter 568, RSMo, within five years of the offense at issue, shall be admissible for the purposes of showing a past history of domestic violence.

**14. Any person who has pleaded guilty to or been found guilty of a violation of section 565.072 shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the offender is a prior domestic violence offender. The offender shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole if the court finds the offender is a persistent domestic violence offender or the prior domestic violence offender inflicts serious physical injury on the victim.**

**15. Any person who has pleaded guilty to or been found guilty of a violation of section 565.073 shall be sentenced:**

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(a) To the authorized term of imprisonment for a class B felony if the court finds the offender is a prior domestic violence offender; or

(b) To the authorized term of imprisonment for a class A felony if the court finds the offender is a persistent domestic violence offender.

[The provisions of section 375.1312, RSMo, shall become effective on January 1, 1999.]

**565.072. DOMESTIC ASSAULT, FIRST DEGREE — PENALTY. — 1.** A person commits the crime of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010, RSMo.

2. Domestic assault in the first degree is a class B felony unless in the course thereof the actor inflicts serious physical injury on the victim in which case it is a class A felony.

**565.073. DOMESTIC ASSAULT, SECOND DEGREE — PENALTY. — 1.** A person commits the crime of domestic assault in the second degree if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010, RSMo, and he or she:

(1) Attempts to cause or knowingly causes physical injury to such family or household member by any means, including but not limited to, by use of a deadly weapon or dangerous instrument, or by choking or strangulation; or

(2) Recklessly causes serious physical injury to such family or household member; or

(3) Recklessly causes physical injury to such family or household member by means of any deadly weapon.

2. Domestic assault in the second degree is a class C felony.

**565.074. DOMESTIC ASSAULT, THIRD DEGREE — PENALTY. — 1.** A person commits the crime of domestic assault in the third degree if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010, RSMo, and:

(1) The person attempts to cause or recklessly causes physical injury to such family or household member; or

(2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or

(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or

(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.

3. A person who has pleaded guilty to or been found guilty of the crime of domestic assault in the third degree more than two times against any family or household member as defined in section 455.010, RSMo, is guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault. The offenses described in this subsection may be against the same family or household member or against different family or household members.

Approved July 11, 2000

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## HB 1739 [SCS HB 1739]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Relating to life insurance.**

AN ACT to repeal section 376.300, RSMo Supp. 1999, relating to life insurance, and to enact in lieu thereof two new sections relating to the same subject.

#### **SECTION**

A. Enacting clause.

376.300. Investment of surplus and reserve funds.

376.676. Regulation of the valuation of life insurance policies — may adopt NAIC model regulation.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 376.300, RSMo Supp. 1999, is repealed and two new sections enacted in lieu thereof, to be known as sections 376.300 and 376.676, to read as follows:

**376.300. INVESTMENT OF SURPLUS AND RESERVE FUNDS.** — 1. All other laws to the contrary notwithstanding, the capital, reserve and surplus of all life insurance companies of whatever kind and character organized [under] **pursuant to** the laws of this state shall be invested only in the following:

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(1) Bonds, notes or other evidences of indebtedness, issued, assumed or guaranteed as to principal and interest, by the United States, any state, territory or possession of the United States, the District of Columbia, or of an administration, agency, authority or instrumentality of any of the political units enumerated, and of the Dominion of Canada;

(2) Bonds, notes or other evidences of indebtedness issued, assumed or guaranteed as to principal and interest by any foreign country or state not mentioned in subdivision (1) insofar as such bonds, notes or other evidences of indebtedness may be necessary or required in order to do business in such foreign state or country;

(3) Bonds, notes or other evidences of indebtedness issued, guaranteed or insured as to principal and interest, by a city, county, drainage district, levee district, road district, school district, tax district, town, township, village or other civil administration, agency, authority, instrumentality or subdivision of a city, county, state, territory or possession of the United States or of the District of Columbia, provided such obligations are authorized by law;

(4) Loans evidenced by bonds, notes or other evidences of indebtedness guaranteed or insured, but only to the extent guaranteed or insured by the United States, any state, territory or possession of the United States, the District of Columbia, or by any agency, administration, authority or instrumentality of any of the political units enumerated;

(5) Bonds, notes or other evidences of indebtedness issued, assumed or guaranteed by a corporation organized under the laws of the United States, any state, territory or possession of the United States, or the District of Columbia, provided such bonds, notes or other evidences of indebtedness shall meet with the requirements of either paragraph (a) or (b) of this subdivision:

(a) The issuing, assuming or guaranteeing corporation shall have had bonds, notes or other evidences of indebtedness outstanding for five years prior to the time of acquisition of such bonds or other evidences of indebtedness and shall not have defaulted in the payment of either principal or interest upon any of its outstanding indebtedness during such five-year period;

(b) Such bonds, notes or other evidences of indebtedness are not in default as to principal or interest; and

a. The net earnings of the issuing, assuming or guaranteeing corporation or corporations, for a period of five fiscal years next preceding the date of acquisition, shall have averaged per year not less than one and one-half times its or their annual fixed charges as of the date of acquisition; or

b. Such corporation or corporations, over the period of the five fiscal years immediately preceding purchase, shall have earned an average amount per annum at least equal to two times the amount of the yearly interest charges upon all its or their bonds, notes and other evidences of indebtedness of equal or prior lien outstanding at date of purchase;

(6) (a) Notes, equipment trust certificates or obligations which are adequately secured, or other adequately secured instruments evidencing an interest in any equipment leased or sold to a corporation, other than the life insurance company making the investment or its parent or affiliates, which qualifies under subdivision (5) of this subsection for investment in its bonds, notes, or other evidences of

indebtedness, or to a common carrier, domiciled within the United States or the Dominion of Canada, with gross revenues exceeding one million dollars in the fiscal year immediately preceding purchase, which provide a right to receive determined rental, purchase, or other fixed obligatory payments for the use or purchase of such equipment and which obligatory payments are adequate to retire the obligations within twenty years from date of issue; or

(b) Notes, trust certificates, or other instruments which are adequately secured. Such notes, trust certificates, or other instruments shall be considered adequately secured for the purposes of this paragraph if a corporation or corporations which qualify under subdivision (5) of this subsection for investment in their bonds, notes, or other evidences of indebtedness, are jointly or severally obliged under a binding lease or agreement to make rental, purchase, use, or other payments for the benefit of the life insurance company making the investment which are adequate to retire the instruments according to their terms within twenty years from date of issue;

(7) Preferred or guaranteed stocks or shares of any solvent corporation created or existing under the laws of the United States, any state, territory or possession of the United States, or the District of Columbia, if all of the prior obligations and prior preferred stocks, if any, of such corporation, at the date of acquisition, are eligible as investments under any provisions of this section; and if qualified under paragraph (a) or paragraph (b) following:

(a) Preferred stocks or shares shall be deemed qualified if both of the following requirements are fulfilled:

a. The net earnings of such corporation available for its fixed charges for a period of five fiscal years next preceding the date of acquisition shall have averaged per year no less than one and one-half times the sum of its average annual fixed charges, if any, its average annual maximum contingent interest, if any, and its average annual preferred dividend requirements applicable to such period; and

b. During each of the last two years of such period, such net earnings shall have been no less than one and one-half times the sum of its fixed charges, contingent interest and preferred dividend requirements for each year. The term "preferred dividend requirements" shall be deemed to mean cumulative or noncumulative dividends, whether paid or not;

(b) Guaranteed stocks or shares shall be deemed qualified if the assuming or guaranteeing corporation meets the requirements of subparagraph a. of paragraph (b) of subdivision (5) of this subsection construed so as to include as a fixed charge the amount of guaranteed dividends of such issue or the rental covering the guarantee of such dividends;

(8) **Stocks or** shares of insured state-chartered building and loan associations [and], federal savings and loan associations, if such shares are insured by the Federal Savings and Loan Insurance Corporation [under] **pursuant to** the terms of Title IV of the act of the Congress of the United States, entitled "The National Housing Act" (12 U.S.C.A. sections 1724 to 1730), as the same presently exists or may subsequently be amended, **and federal home loan banks**;

(9) Loans evidenced by notes or other evidences of indebtedness and secured by first mortgage liens on unencumbered real estate or unencumbered leaseholds having at least twenty-five years of unexpired term, such real estate or leaseholds to be located

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in the United States, any territory or possession of the United States. Such loans shall not exceed eighty percent of the fair market value of the security of the loan for insurance companies. However, insurance companies may make loans in excess of eighty percent of the fair market value of the security for the loan, but not to exceed ninety-five percent of the fair market value of the security for the loan, if that portion of the total indebtedness in excess of seventy-five percent of the value of the security for the loan is guaranteed or insured by a mortgage insurance company authorized by the director of insurance to do business in this state, and provided the mortgage insurance company is not affiliated with the entity making the loan. In addition, an insurance company may not place more than two percent of its admitted assets in loans in which the amount of the loan exceeds ninety percent of the fair market value of the security for the loan. An entity which is restricted by section 104.440, RSMo, in making investments to those authorized life insurance companies may make loans in excess of eighty percent of the fair market value of the security of the loan if that portion of the total indebtedness in excess of eighty percent of the fair market value is insured by a mortgage insurance company authorized by the director of insurance to do business in this state. Any life insurance company may sell any real estate acquired by it and take back a purchase money mortgage or deed of trust for the whole or any part of the sale price; and such percentage may be exceeded if and to the extent such excess is guaranteed or insured by the United States, any state, territory or possession of the United States, any city within the United States having a population of one hundred thousand or more or by an administration, agency, authority or instrumentality of any such governmental units; and such percentage shall not exceed one hundred percent if such a loan is made to a corporation which qualifies [under] **pursuant to** subdivision (5) for investment in its bonds, notes or other evidences of indebtedness, or if the borrower assigns to the lender a lease or leases on the real estate providing rentals payable to the borrower in amounts sufficient to repay such loan with interest in the manner specified by the note or notes evidencing such loan and executed as lessee or lessees by a corporation or corporations, which qualify [under] **pursuant to** subdivision (5) for investment in its or their bonds, notes or other evidences of indebtedness. No mortgage loan upon a leasehold shall be made or acquired pursuant to this subdivision unless the terms of the mortgage loan shall provide for amortization payments to be made by the borrower on the principal thereof at least once in each year in amounts sufficient to completely amortize the loan within four-fifths of the term of the leasehold which is unexpired at the time the loan is made, but in no event exceeding thirty years. Real estate or a leasehold shall not be deemed to be encumbered by reason of the existence in relation thereto of:

- (a) Liens inferior to the lien securing the loan made by the life insurance company;
- (b) Taxes or assessment liens not delinquent;
- (c) Instruments creating or reserving mineral, oil or timber rights, rights-of-way, common or joint driveways, easements for sewers, walls or utilities;
- (d) Building restrictions and other restrictive covenants; or
- (e) An unassigned lease reserving rents or profits to the owner;
- (10) Shares of stock, bonds, notes or other evidences of indebtedness issued, assumed or guaranteed by an urban redevelopment corporation organized [under]

**pursuant to** the provisions of chapter 353, RSMo, known as "The Urban Redevelopment Corporations Law", or any amendments thereto, or any law enacted in lieu thereof; provided, that one or more such life insurance companies may, with the approval of the director of the department of insurance, subscribe to and own all of the shares of stock of any such urban redevelopment corporation; and provided further, that the aggregate investment by any such company [under] **pursuant to** the terms of this subdivision shall not be in excess of five percent of the admitted assets of such company;

(11) Land situated in this state and located within an area subject to redevelopment within the meaning of the urban redevelopment corporations law, or any amendments thereto, or any law enacted in lieu thereof, which land is acquired for the purposes specified in such urban redevelopment corporations law, and any such life insurance company may erect apartments, tenements or other dwelling houses, not including hotels, but including accommodations for retail stores, shops, offices and other community services reasonably incident to such projects, and such company may thereafter own, hold, rent, lease, collect or receive income, maintain and manage such land so acquired and the improvements thereon, as real estate necessary and proper for the carrying on of its legitimate business; provided, that any such life insurance company shall have power to own, hold, maintain and manage such land, and all improvements thereon, in accordance with the urban redevelopment corporations law, amendments thereto or any law enacted in lieu thereof, and shall have all the powers, duties, obligations, privileges and immunities, including any tax exemption, credits or relief, granted an urban redevelopment corporation, [under] **pursuant to** the urban redevelopment corporations law, amendments thereto or any law enacted in lieu thereof, the same as if such insurance company were an urban redevelopment corporation organized [under] **pursuant to** the provisions of that law; provided, that two or more such life insurance companies may, with the approval of the director of the department of insurance, enter into agreements whereby the ownership and management and control of a redevelopment project is participated in by each such company; and provided further that the aggregate investment by any such company [under] **pursuant to** the terms of this subdivision shall not be in excess of five percent of the admitted assets of such company;

(12) Investments in property and processes for the development and production of solar or geothermal energy, fossil or synthetic fuels, or gasohol, whether made directly or as a participant in a general partnership, limited partnership or joint venture.

2. No such life insurance company shall invest in any of the foregoing securities in excess of the following percentages of the admitted assets of such company, as shown by its last annual statement preceding the date of acquisition, as filed with the director of the insurance department of the state of Missouri:

(1) Ten percent of its admitted assets in the securities issued by any one corporation or governmental unit falling [under] **pursuant to** the classification set forth in subdivisions (3), (5), (6), (7) and (8) of subsection 1;

(2) One percent of its admitted assets or ten percent of its capital and surplus, whichever is greater, in any single loan on real estate [under] **pursuant to** subdivision (9) of subsection 1;

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(3) Ten percent of the admitted assets in the total amount of securities described in subdivision (7) of subsection 1, and no such life insurance company shall own securities described in subdivision (7) of subsection 1 of any one corporation which, in the aggregate, represents more than five percent of the total of all outstanding shares of stock of that corporation;

(4) One percent of its admitted assets in the bonds, notes or other evidences of indebtedness of the Dominion of Canada and mentioned in subdivision (1) of subsection 1; provided, however, that in addition thereto any such life insurance company which has outstanding insurance contracts on lives of persons residing in the Dominion of Canada may invest in bonds, notes or other evidences of indebtedness of the Dominion of Canada and mentioned in subdivision (1) of subsection 1, to an amount not in excess of the total amount of its reserves and other accrued liabilities under such contracts;

(5) Five percent of its admitted assets in the notes or trust certificates secured by any equipment leased or sold to a corporation falling under the classification set forth in subdivision (5) of subsection 1 or to a common carrier domiciled in the Dominion of Canada and mentioned in subdivision (6) of subsection 1;

(6) Three percent of its admitted assets in loans evidenced by notes or other evidences of indebtedness and secured by liens on unencumbered leaseholds having at least twenty-five years of unexpired term and mentioned in subdivision (9) of subsection 1;

(7) One percent of its admitted assets, or five percent of that portion of its admitted assets in excess of two hundred fifty million dollars, whichever is greater, in energy related investments specified in subdivision (12) of subsection 1.

3. The term "corporation", as used in subdivisions (5) and (7) of subsection 1, shall include private corporations, joint stock associations or business trusts. In applying the earnings tests, provided herein, to any issuing, assuming or guaranteeing corporation, whether or not in legal existence during the whole of the test period, and if such corporation has during the test period acquired the assets of any other corporation or corporations by purchase, merger, consolidation or otherwise, or has been reorganized pursuant to the bankruptcy law, the earnings available for interest and dividends of such other predecessor or constituent corporation or the corporation so reorganized shall be considered as the earnings of the issuing, assuming or guaranteeing corporation.

4. Nothing contained in this section shall be construed as repealing or affecting the provisions of sections 375.330, 375.340, and 375.355, RSMo.

**376.676. REGULATION OF THE VALUATION OF LIFE INSURANCE POLICIES — MAY ADOPT NAIC MODEL REGULATION. — The department of insurance shall promulgate regulations governing the valuation of life insurance policies. The**

department of insurance may adopt the "Valuation of Life Insurance Policies Model Regulation" adopted by the National Association of Insurance Commissioners.

Approved June 27, 2000

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## HB 1742 [CCS SCS HS HCS HB 1742]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes the issuance of \$2 billion in bonds to finance road and bridge construction.**

AN ACT to repeal sections 142.345, 226.133 and 226.134, RSMo 1994, and section 226.200, RSMo Supp. 1999, relating to bonding for transportation, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause for a certain section.

### SECTION

- A. Enacting clause.
- 142.345. Motor fuel tax fund created — disbursement, transfer.
- 226.132. Department of transportation to create transportation plan for the state, information required — submission deadline.
- 226.134. Projects funded by bonds to conform with priorities of 1992 plan, exception.
- 226.200. State highways and transportation department fund — sources of revenue — expenditures.
- 226.781. "Rosa Parks Highway", portion of interstate highway 55 in St. Louis County designated as.
- 226.783. "Payne Stewart Highway, portion of interstate highway 44 in Springfield (Greene County), designated as.
- B. Enacting clause.
- 226.133. Funding authorized for highway and bridge repairs and construction, transportation plans approved by the general assembly, bonds may be issued, requirements, procedure.
- C. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 142.345 and 226.134, RSMo 1994, and section 226.200, RSMo Supp. 1999, are repealed and six new sections enacted in lieu thereof, to be known as sections 142.345, 226.132, 226.134, 226.200, 226.781 and 226.783, to read as follows:

- 142.345. MOTOR FUEL TAX FUND CREATED — DISBURSEMENT, TRANSFER.** —
1. There is created the "Motor Fuel Tax Fund". All revenues derived from the motor fuel tax imposed upon highway users as an incident to their use of the highways of the state shall be deposited in the state treasury to the credit of this fund.
  2. The moneys deposited to the credit of the motor fuel tax fund shall be disbursed or transferred as follows:
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(1) The amount of the tax collected with respect to fuel not used for propelling motor vehicles on state highways shall be transferred to the state highways and transportation department fund to be refunded by the state as provided by law;

(2) The amount of actual costs of collection, apportionment and of making refunds shall be transferred to the state highways and transportation department fund for reimbursement by appropriation, to the agencies or departments of government incurring these costs, **subject to the limitations of section 226.200, RSMo;**

(3) A percentage of the net proceeds shall be transferred to the county aid road trust fund as provided in article IV, section 30(a) of the state constitution;

(4) A percentage of the net proceeds shall be allocated to the several cities, towns and villages entitled thereto [under] **pursuant to** the provisions of article IV, section 30(a) of the state constitution;

(5) All the remaining net proceeds in excess of the allocations to counties and cities, towns and villages shall be transferred to the state highways and transportation department fund.

**226.132. DEPARTMENT OF TRANSPORTATION TO CREATE TRANSPORTATION PLAN FOR THE STATE, INFORMATION REQUIRED — SUBMISSION DEADLINE. — The general assembly recognizes that nothing in section 142.345, RSMo, and sections 226.133, 226.134 and 226.200 fully addresses the total transportation infrastructure needs of the state. In order for the state to exploit all of its transportation assets, the department of transportation shall create a multimodal, total transportation plan based solely upon the real needs of the state. The department of transportation shall objectively evaluate the actual multimodal needs, including aviation, highways, bridges, rail, transit and water ports, of the state based upon criteria that will enhance the state's transportation infrastructure and economic development well-being and shall submit its total transportation plan to the joint committee on transportation oversight, the president pro tem of the senate and the speaker of the house of representatives by January 2, 2001.**

**226.134. PROJECTS FUNDED BY BONDS TO CONFORM WITH PRIORITIES OF 1992 PLAN, EXCEPTION. — All projects funded by bonds authorized in section 226.133[, except for the initial twenty-five million dollars authorized in section 226.133,] shall be funded in conformity with the priorities established in the [fifteen-year] 1992 plan developed by the transportation department.**

**226.200. STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT FUND — SOURCES OF REVENUE — EXPENDITURES. — 1. There is hereby created a "State Highways and Transportation Department Fund" into which shall be paid or transferred all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor vehicles and trailers, and all property taxes), and all**

other revenue received or held for expenditure by or under the department of transportation or the state highways and transportation commission, except:

- (1) Money arising from the sale of bonds;
- (2) Money received from the United States government; or
- (3) Money received for some particular use or uses other than for the payment of principal and interest on outstanding state road bonds.

2. Subject to the limitations of [subsections] **subsection 3**[, 4 and 5] of this section, from said fund shall be paid or credited the cost:

- (1) Of collection of all said state revenue derived from highway users as an incident to their use or right to use the highways of the state;
- (2) Of maintaining the state highways and transportation commission;
- (3) Of maintaining the state transportation department;
- (4) Of any workers' compensation for state transportation department employees;
- (5) Of the share of the transportation department in any retirement program for state employees, only as may be provided by law; and
- (6) Of administering and enforcing any state motor vehicle laws or traffic regulations.

[3. For fiscal years prior to fiscal year 1993, the state highways and transportation department fund shall be reimbursed annually in an amount equal to the difference between the expenses incurred by state offices and departments for the purposes specified in sections 30(a) and 30(b) of article IV of the constitution and the total amount appropriated from the state highways and transportation department fund for fiscal year 1987 to such state offices and departments.

4. For fiscal year 1993, the state highways and transportation department fund shall be reimbursed on or before July 1, 1994, in an amount equal to the difference between the expenses incurred by state offices and departments during fiscal year 1993 for the purposes specified in sections 30(a) and 30(b) of article IV of the constitution and the total amount appropriated from the state highways and transportation department fund for fiscal year 1987 to such state offices and departments as adjusted under this subsection. For the purposes of calculating any reimbursement for fiscal year 1993, the total amount appropriated to such state offices and departments during fiscal year 1987 shall be increased or decreased by the percentage by which the total state revenues paid or transferred into the fund under subsection 1 of this section during fiscal year 1993 differs from the total state revenues paid or transferred into the fund during fiscal year 1992.

5. For fiscal year 1994 and for each fiscal year thereafter, the state highways and transportation department fund shall be reimbursed on or before the first day of the second succeeding fiscal year in an amount equal to the difference between the expenses incurred by state offices and departments during such fiscal year for the purposes specified in sections 30(a) and 30(b) of article IV of the constitution and the total amount appropriated from the state highways and transportation department fund for the preceding fiscal year to such state offices and departments as adjusted under this subsection. For the purposes of calculating any reimbursement under this subsection, the total amount appropriated to such state offices and departments during the previous fiscal year shall be increased or decreased by the percentage by which the total state revenues paid or transferred into the fund under subsection 1 of this section

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during such fiscal year exceeds the total state revenues paid or transferred into the fund during the preceding fiscal year.]

**3. For all future fiscal years, the total amount of appropriations from the state highways and transportation department fund for all state offices and departments shall not exceed the total amount appropriated for such offices and departments from said fund for fiscal year 2001.**

[6.] **4.** The provisions of [subsections] **subsection 3**[, 4 and 5] of this section shall not apply to appropriations from the **state highways and transportation department fund** to the highways and transportation commission and the state transportation department or to appropriations to the **office of administration for department of transportation employee fringe benefits and OASDHI payments, or to appropriations to the** department of revenue for motor vehicle fuel tax refunds under chapter 142, RSMo, or to appropriations to the department of revenue for refunds or overpayments or erroneous payments from the state highways and transportation department fund.

[7.] **5.** All interest earned upon the state highways and transportation department fund shall be deposited in and to the credit of such fund [and shall be included in the calculation of total state revenues under subsections 4 and 5 of this section].

[8.] **6.** Any balance remaining in said fund after payment of said costs shall be transferred to the state road [bond and interest sinking] fund.

[9.] **7.** Notwithstanding the provisions of subsection 2 of this section to the contrary, any funds raised as a result of increased taxation pursuant to sections 142.025 and 142.372, RSMo, after April 1, 1992, shall not be used for administrative purposes or administrative expenses of the transportation department.

**226.781. "ROSA PARKS HIGHWAY", PORTION OF INTERSTATE HIGHWAY 55 IN ST. LOUIS COUNTY DESIGNATED AS. — The portion of interstate highway 55, one mile south of Lindbergh Boulevard to Butler Hill Road, contained within a county of the first classification with a charter form of government having a population over nine hundred thousand shall be designated the "Rosa Parks Highway".**

**226.783. "PAYNE STEWART HIGHWAY", PORTION OF INTERSTATE HIGHWAY 44 IN SPRINGFIELD (GREENE COUNTY) DESIGNATED AS. — The portion of interstate highway 44, from the highway 65 exit on the east side of a city having a population of at least one hundred forty-nine thousand which is located in a noncharter county of the first classification with a population of at least two hundred seven thousand to the highway 160 exit on the west side of a city having a population of at least one hundred forty-nine thousand which is located in a noncharter county of the first classification with a population of at least two hundred seven thousand shall be designated the "Payne Stewart Highway".**

**SECTION B. ENACTING CLAUSE. —** Section 226.133, RSMo 1994, is repealed and one section enacted in lieu thereof to be known as section 226.133, to read as follows:

**226.133. FUNDING AUTHORIZED FOR HIGHWAY AND BRIDGE REPAIRS AND CONSTRUCTION, TRANSPORTATION PLANS APPROVED BY THE GENERAL ASSEMBLY, BONDS MAY BE ISSUED, REQUIREMENTS, PROCEDURE. — 1.** [The highways and transportation commission may, within the limits set by the general assembly, authorize the contracting of an indebtedness and the issuance of bonds or other evidences of indebtedness for the purpose of providing funds for use in highway and bridge construction and repairs in this state. The general assembly shall by concurrent resolution specify the total amount of the bonds which may be issued on each separate issuance of bonds pursuant to this section, except that the highways and transportation commission may immediately authorize issuance of bonds up to twenty-five million dollars for the purpose of providing funds for use in highway and bridge construction and repairs caused by the 1993 flood. The bonds shall be issued by the highways and transportation commission from time to time and in such amounts as may be necessary to carry out highway and bridge construction and repairs in this state as determined necessary by the highways and transportation commission.] **The general assembly may authorize the highways and transportation commission to issue bonds or other evidence of indebtedness in an amount not to exceed two billion dollars from fiscal year 2001 to fiscal year 2006; except that, the highways and transportation commission may immediately authorize issue of bonds up to two hundred fifty million dollars for the purpose of providing funds for use in highway construction and repairs scheduled in the five-year plan. The principal amount of such bonds shall not exceed five hundred million dollars in any one fiscal year. Proceeds from the issuance of the bonds shall be provided to the department of transportation to pay for the cost of construction engineering and construction. The proceeds from the bonds shall not be used to pay for administrative expenses, including but not limited to planning and design expenses. Contracted final design shall not be considered an administrative expense, but shall not exceed seven percent of any project.**

**2.** To obtain authorization for the issuance of bonds, the highways and transportation commission shall annually present to the general assembly, by the tenth legislative day, a proposed plan and an analysis demonstrating the feasibility and appropriateness thereof. The plan to issue bonds shall become effective no later than forty-five calendar days after the plan proposed by the highways and transportation commission is submitted to a regular session of the general assembly, unless it is disapproved within forty-five calendar days of its submission to a regular session by a concurrent resolution introduced within fourteen calendar days of the submission of the plan to a regular session of the general assembly and adopted by a majority vote of the elected members of each house. If no concurrent resolution disapproving of the highway plan is introduced within fourteen calendar days of the submission of the plan to the legislature, then the plan shall become effective immediately. The presiding officer of each house in which a concurrent resolution disapproving of a plan to issue bonds has been introduced, unless the resolution has been previously accepted or rejected by that house, shall submit it to a vote of the membership not sooner than seven calendar days or later than fourteen calendar days after introduction of the concurrent resolution pertaining to the department of

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transportation plan. The presiding officer of the house passing a concurrent resolution disapproving of a plan to issue bonds shall immediately forward the bill to the other house and the presiding officer of that house shall submit it to a vote of the membership not sooner than seven calendar days or later than fourteen calendar days of its receipt from the other legislative body. The plan submitted by the highways and transportation commission shall not be subject to amendment by either chamber and may only be rejected in its entirety.

3. The highways and transportation commission shall offer such bonds at public sale[, and shall provide such method as it may deem necessary for the advertisement of the sale of each issue of bonds before such bonds are sold] **or negotiated sale**. The bonds shall be [retired serially and by installments within] **for** a period [not to exceed twenty-five] **of not less than ten years and not more than twenty** years from their date of issue and shall bear interest at a rate or rates not exceeding the rate permitted by law.

[2.] **4.** The proceeds of the sale or sales of any bonds issued pursuant to this section shall be paid into the state road fund **to be expended for the purpose specified** pursuant to the provisions of section 226.220.

[3.] **5.** Bonds issued pursuant to this section shall be state road bonds as such term is used in section 30(b) of article IV of the state constitution, and as such, principal and interest payments on such bonds shall be made from the state road fund as provided in section 30(b) of article IV of the state constitution. Bonds issued pursuant to this section shall not be deemed to constitute a debt or liability of the state or a pledge of the full faith and credit of the state, and the principal and interest on such bonds shall be payable solely from the state road fund. Bonds issued [under] **pursuant to** this section, the interest thereon, or any proceeds from such bonds, shall be exempt from taxation in the state of Missouri for all purposes except for the state estate tax.

[4. No bonds shall be issued under this section unless both of the following conditions are met: (1) prior to the sale of such bonds, the issuer of such bonds shall adopt a marketing plan which provides for the broad distribution of such bonds to investors resident throughout the state of Missouri and (2) the underwriter or underwriters of such bonds agree in writing with the issuer thereof to make a broad distribution of such bonds to investors resident throughout the state of Missouri and to give first priority to all orders for such bonds which are specified for purchase by investors resident within the state of Missouri.]

**6. Bonds may be issued for the purpose of refunding, either at maturity or in advance of maturity, any bonds issued under this section. The proceeds of such refunding bonds may either be applied to the payment of the bonds being refunded or deposited in trust and maintained in cash or investments for the retirement of the bonds being refunded, as shall be specified by the highways and transportation commission and the authorizing resolution or trust indenture securing such refunding bonds. The authorizing resolution or trust indenture securing the refunding bonds shall specify the amount and other terms of the refunding bonds and may provide that the refunding bonds shall have the same security for their payment as provided for the bonds being refunded. The refunding bonds shall be for a period of not less than ten years and not more than twenty years from their date of issue and shall bear interest at a rate or**

**rates not exceeding the rate permitted by law. The principal amount of refunding bonds issued pursuant to this section shall not be counted toward the limit on the principal amount of bonds permitted under this section.**

**SECTION C. EMERGENCY CLAUSE.** — Because immediate action is necessary in order to obtain financing for projects contained in the five-year plan and scheduled to begin in fiscal year 2001, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval.

Approved May 30, 2000

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## HB 1797 [SS HS HCS HB 1797]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Motor Vehicle Financial Responsibility.**

AN ACT to repeal section 302.160, 303.044, RSMo 1994, sections 32.055, 32.090, 32.091, 302.178, 302.302, 303.025, 303.026, 303.041, 303.042, 303.406, 303.409, 303.412 and 303.415, RSMo Supp. 1999, sections 32.080 and 301.025, as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, section 32.080, as enacted by senate committee substitute for house bill no. 795, ninetieth general assembly, first regular session, and section 301.025, as enacted by conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session, relating to motor vehicles, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with penalty provisions, an effective date for certain sections and an expiration date for certain sections.

#### SECTION

##### A. Enacting clause.

- 32.055. Sale of motor vehicle registration lists and personal information prohibited, may be disclosed to whom.
  - 32.080. Reproduction of drivers' licenses, tax reports, returns and related documents by department — destruction of originals permitted when — electronic filings, issuances or renewals authorized — confidentiality — admissibility — period of preservation of reproduced records — electronic filing authorized admissible in evidence, procedure.
  - 32.080. Reproduction of drivers' licenses, tax reports, returns and related documents by department — destruction of originals permitted when — electronic filings, issuances or renewals authorized — confidentiality — admissibility — period of preservation of reproduced records — electronic filing authorized admissible in evidence, procedure.
  - 32.090. Department to keep copies of records — records to be made available to public, when — disclosure of personal information, when.
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- 32.091. Definitions — disclosure of individual motor vehicle records, when — certain disclosures prohibited without express consent — disclosure pursuant to United States law — disclosure for purposes of public safety.
  - 32.300. Department to implement Internet motor vehicle license renewal system for certain counties and filing and payment system for state taxes for all taxpayers, deadlines.
  - 301.025. Personal property taxes and federal heavy vehicle use tax to be paid before issuance of license — tax receipt forms — suspension of vehicle registration for failure to pay personal property tax, notification requirements, reinstatement fee, appeals — rulemaking, procedure.
  - 301.025. Personal property taxes and federal heavy vehicle use tax to be paid before issuance of license — tax receipt forms — suspension of vehicle registration for failure to pay personal property tax, notification requirements, reinstatement fee, appeals — rulemaking, procedure.
  - 301.474. Bronze star military service award, special license plates — application procedure, fees — no additional personalization fee — design.
  - 301.475. Combat medic badge, special license plates — application procedure, fees — no additional personalization fee — design.
  - 301.476. Desert Storm and Desert Shield, special license plates for Gulf War veterans — application procedure, fees — no additional personalization fee — design.
  - 301.3031. Director to notify military special license plate applicants of opportunity to donate to World War II memorial trust fund — use of fund proceeds, creation of fund.
  - 301.3041. Wilson's Creek National Battlefield Foundation special license plates — emblem authorization — application procedure, fees, design.
  - 301.3051. Shrine temple, special license plates — emblem authorization, application procedure, fees, design.
  - 301.3053. Distinguished Flying Cross military service award, special license plates — application procedure, fees — no additional personalization fee — design.
  - 301.3055. Missouri Remembers, special license plates commemorating prisoners of war and persons missing in action — application procedure, fees — no additional personalization fee — design.
  - 301.3062. American Legion, special license plates — emblem authorization, application procedure, fees, design.
  - 302.160. Assessment of points and suspension or revocation of license, notice of conviction outside Missouri.
  - 302.178. Intermediate driver's license, issued to whom, requirements, limitations, fee, duration, point assessment — penalty, application for full driving privileges, requirements — exceptions — rulemaking authority, procedure.
  - 302.302. Point system — assessment for violation — assessment of points stayed, when, procedure.
  - 303.025. Duty to maintain financial responsibility, misdemeanor penalty for failure to maintain — exception, methods — court to notify revenue, additional punishment, right of appeal.
  - 303.026. Director to notify owners who register vehicles, contents — affidavit certifying financial responsibility required for registration — director may use sampling techniques to verify — verification by owner, time — insurers required to submit policy information to director, format, use, disclosure — violations by insurer, penalty.
  - 303.041. Failure to maintain financial responsibility — notice, procedure, contents — suspension of license and registration — request for hearing, right, effect — subsequent acquisition of financial responsibility, effect — duration of suspension, fee.
  - 303.042. Suspension, effective when — length of suspension, factors considered — false submission of proof of insurance, suspension, duration, fee.
  - 303.044. Proof of financial responsibility required for reregistration.
  - 303.406. Database and fund created, purpose, administration — disclosure, when, violations, penalties — review and report to general assembly — expiration of subsection, when.
  - 303.409. Failure to maintain financial responsibility, notice, right to hearing — suspension, duration, factors, extension for failure to file proof of insurance, maintenance of proof — exception for inoperable or stored motor vehicles.
  - 303.412. Reporting by insurance companies, frequency, required information — revenue to notify department of insurance of violation, penalty, exceptions.
  - 303.415. Effective and expiration dates.
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390.128. Division of motor carrier and railroad safety required to promulgate rules for electronic filing of certificates of insurance by insurance companies — confirmation of coverage and acceptance of proof of nonresident insurance may be provided.

B. Effective date.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 302.160, 303.044, RSMo 1994, sections 32.055, 32.090, 32.091, 302.178, 302.302, 303.025, 303.026, 303.041, 303.042, 303.406, 303.409, 303.412 and 303.415, RSMo Supp. 1999, sections 32.080 and 301.025, as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, section 32.080, as enacted by senate committee substitute for house bill no. 795, ninetieth general assembly, first regular session, and section 301.025, as enacted by conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 32.055, 32.080, 32.090, 32.091, 32.300, 301.025, 301.474, 301.475, 301.476, 301.3031, 301.3041, 301.3051, 301.3053, 301.3055, 301.3062, 302.160, 302.178, 302.302, 303.025, 303.026, 303.041, 303.042, 303.044, 303.406, 303.409, 303.412, 303.415 and 390.128, to read as follows:

**32.055. SALE OF MOTOR VEHICLE REGISTRATION LISTS AND PERSONAL INFORMATION PROHIBITED, MAY BE DISCLOSED TO WHOM.** — Subject to the provisions of sections 32.090 and 32.091, the director of revenue [may] **shall not** sell lists of motor vehicle registrations **or other personal information held by the department of revenue for the purposes of bulk distribution for surveys, marketing and solicitations. Individual motor vehicle registration records and other personal information held by the department of revenue may be disclosed** to any **person or** organization organized under an act of the Congress of the United States in accordance with the fee limitations as provided in section 610.026, RSMo.

**[32.080. REPRODUCTION OF DRIVERS' LICENSES, TAX REPORTS, RETURNS AND RELATED DOCUMENTS BY DEPARTMENT — DESTRUCTION OF ORIGINALS PERMITTED WHEN — ELECTRONIC FILINGS, ISSUANCES OR RENEWALS AUTHORIZED — CONFIDENTIALITY — ADMISSIBILITY — PERIOD OF PRESERVATION OF REPRODUCED RECORDS — ELECTRONIC FILING AUTHORIZED ADMISSIBLE IN EVIDENCE, PROCEDURE.** — 1. Notwithstanding other provisions of law, the director of revenue may destroy motor vehicle, driver's license, or tax reports, returns and other related documents at any time if such reports, returns, and other related documents have been photographed, microphotographed, electronically generated, electronically recorded, photostated, reproduced on film or other process capable of producing a clear, accurate and permanent copy of the original. Such film or reproducing material shall be of durable material and the device used to reproduce the records, reports, returns, and other related documents on film or material shall be such as to accurately reproduce and perpetuate the original records, reports, returns and other documents in all details.

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2. The reproductions so made may be used as permanent records of the original. When microfilm or a similar reproduction is used as a permanent record by the director of revenue, one copy shall be stored in a fireproof vault and other copies may be made for us by any person entitled thereto. All reproductions shall retain the same confidentiality as is provided in the law regarding the original record.

3. Such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A transcript, exemplification or certified copy of any motor vehicle, driver's license or tax reports, records, returns and other related documents made from such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall, for all purposes be deemed to be a transcript, exemplification or certified copy of the original and shall be admissible in evidence in all courts or administrative agencies. No document shall be admissible pursuant to this section unless the offeror shall comply with section 490.692, RSMo.

4. Reproductions made of motor vehicle, driver's license, or tax reports, returns and related documents hereunder shall be preserved for four years and thereafter until the director of revenue orders them to be destroyed.

5. Notwithstanding other provisions of law, the department of revenue may allow the electronic filing of any motor vehicle, driver's license, or tax records, reports, returns and other related documents. A transcript, exemplification or certified copy of any electronically filed motor vehicle, driver's license or tax reports, records, returns and other related document upon certification of the director of revenue shall be admissible in evidence in all courts or administrative agencies without further proof. "Records, reports, returns, and other related documents" include, but are not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, deposited or filed with the department of revenue.

6. Any clear, accurate and nontransient output of a record of ownership, lien or satisfaction of a lien maintained electronically by the director of revenue as permitted in sections 301.600 to 301.640, RSMo, shall be deemed to be an original record for all purposes and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification, or certified copy of the original.

7. Notwithstanding other provisions of law, the department of revenue may determine alternative methods for the signing, subscribing or verifying of a record, report, return, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, return, or related document.]

**32.080. REPRODUCTION OF DRIVERS' LICENSES, TAX REPORTS, RETURNS AND RELATED DOCUMENTS BY DEPARTMENT — DESTRUCTION OF ORIGINALS PERMITTED WHEN — ELECTRONIC FILINGS, ISSUANCES OR RENEWALS AUTHORIZED — CONFIDENTIALITY — ADMISSIBILITY — PERIOD OF PRESERVATION OF REPRODUCED RECORDS — ELECTRONIC FILING AUTHORIZED ADMISSIBLE IN EVIDENCE, PROCEDURE. — 1.** Notwithstanding other provisions of law, the director

of revenue may destroy motor vehicle, driver's license, or tax reports, returns and other related documents at any time if such reports, returns, and other related documents have been photographed, microphotographed, electronically generated, electronically recorded, photostated, reproduced on film or other process capable of producing a clear, accurate and permanent copy of the original. Such film or reproducing material shall be of durable material and the device used to reproduce the records, reports, returns, and other related documents on film or material shall be such as to accurately reproduce and perpetuate the original records, reports, returns and other documents in all details.

2. The reproductions so made may be used as permanent records of the original. When microfilm or a similar reproduction is used as a permanent record by the director of revenue, one copy shall be stored in a fireproof vault and other copies may be made for use by any person entitled thereto. All reproductions shall retain the same confidentiality as is provided in the law regarding the original record.

3. Such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A transcript, exemplification or certified copy of any motor vehicle, driver's license or tax reports, records, returns and other related documents made from such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall, for all purposes be deemed to be a transcript, exemplification or certified copy of the original and shall be admissible in evidence in all courts or administrative agencies. No document shall be admissible under this section unless the offeror shall comply with section 490.692, RSMo.

4. Reproductions made of motor vehicle, driver's license, or tax reports, returns and related documents hereunder shall be preserved for four years and thereafter until the director of revenue orders them to be destroyed.

5. Notwithstanding other provisions of law, the department of revenue may allow the electronic filing, **issuance or renewal** of any motor vehicle, driver's license, or tax records, reports, returns and other related documents. **All restrictions imposed by law that apply to the disclosure of information by the department of revenue shall also apply to any persons or entities contracting with the director of the department of revenue to provide electronic filing, issuance or renewal services. Notwithstanding other provisions of law, any online access or access via other electronic means granted to such persons or entities may be limited to the persons or entities providing such electronic filing, issuance or renewal services.**

6. A transcript, exemplification or certified copy of any electronically filed motor vehicle, driver's license or tax reports, records, returns and other related document upon certification of the director of revenue shall be admissible in evidence in all courts or administrative agencies without further proof. "Records, reports, returns, and other related documents" include, but are not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, deposited or filed with the department of revenue.

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[6.] 7. Notwithstanding other provisions of law, the department of revenue may determine alternative methods for the signing, subscribing or verifying of a record, report, return, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, return, or related document.

[7.] 8. The director of revenue may renew motor vehicle registrations by electronic means when the information, fees and documents required by chapters 301, 303 and 307, RSMo, to accompany such application are provided to the director electronically in a format prescribed by the director of revenue.

[8.] 9. The director of revenue may prescribe rules and regulations for the effective administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 1, 2000, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid and void.

**32.090. DEPARTMENT TO KEEP COPIES OF RECORDS — RECORDS TO BE MADE AVAILABLE TO PUBLIC, WHEN — DISCLOSURE OF PERSONAL INFORMATION, WHEN.**

— 1. The department of revenue shall keep a record of each application or other document filed with it and each certificate or other official document issued by it.

2. Except as otherwise provided by law, all records of the department of revenue are public records and shall be made available to the public according to procedures established by the department.

3. [Except as otherwise provided by law,] Personal information obtained by the department shall **not** be disclosed to any person requesting such personal information [if the individual whose personal information is requested has not elected to prohibit the disclosure of such personal information pursuant to] **except as provided in** section 32.091.

**32.091. DEFINITIONS — DISCLOSURE OF INDIVIDUAL MOTOR VEHICLE RECORDS, WHEN — CERTAIN DISCLOSURES PROHIBITED WITHOUT EXPRESS CONSENT — DISCLOSURE PURSUANT TO UNITED STATES LAW — DISCLOSURE FOR PURPOSES OF PUBLIC SAFETY.** — 1. As used in sections 32.090 and 32.091, the following terms mean:

(1) "Motor vehicle record", any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration or identification card issued by the department of revenue;

(2) "Person", an individual, organization or entity, but does not include a state or agency thereof;

(3) "Personal information", information that identifies an individual, including an individual's photograph, Social Security number, driver identification number, name, address, but not the five-digit zip code, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations and driver's status.

2. The department of revenue may disclose individual motor vehicle records pursuant to section 2721(b)(11) of Title 18 of the United States Code and may disclose motor vehicle records in bulk pursuant to section 2721(b)(12) of Title 18 of the United States Code [in the manner prescribed in this section. The department shall provide to all individuals for which such records are maintained a method by which an individual may prohibit personal information in such individual's records from being disclosed pursuant to this section], **as amended by Public Law 106-69, Section 350, only if the department has obtained the express consent of the person to whom such personal information pertains.**

3. [A notice that the personal information may be disclosed pursuant to this section and a notice of an individual's right to prohibit such disclosure shall be printed on all forms for issuance or renewal of motor vehicle titles and registrations prescribed in chapter 301, RSMo, and forms for issuance or renewal of motor vehicle operator's permits, licenses and personal identification cards issued pursuant to chapter 302, RSMo, in a clear and conspicuous manner. In addition, with respect to bulk disclosures, the department shall ensure that the personal information disclosed shall be used, rented or sold solely for bulk distribution for surveys, marketing and solicitations, and that such surveys, marketing and solicitations shall not be directed at individuals who have notified the department in a timely manner that they do not want the personal information contained in motor vehicle records disclosed.] **Notwithstanding any other provisions of law to the contrary, the department of revenue shall not disseminate a person's driver's license photograph, Social Security number and medical or disability information from a motor vehicle record, as defined in section 2726(1) of Title 18 of the United States Code without the express consent of the person to whom such information pertains, except for uses permitted under Sections 2721(b)(1), 2721(b)(4), 2721(b)(6) and 2721(b)(9) of Title 18 of the United States Code.**

4. [Notwithstanding any other provision of law to the contrary,] The department of revenue shall disclose any motor vehicle record or personal information permitted to be disclosed pursuant to Sections 2721(b)(1) to 2721(b)(10) and 2721(b)(13) to 2721(b)(14) of Title 18 of the United States Code **except for the personal information described in subsection 3 of this section.**

5. Pursuant to Section 2721(b)(14) of Title 18 of the United States Code, any person who has a purpose to disseminate to the public a newspaper, book, magazine, broadcast or other similar form of public communication, including dissemination by computer or other electronic means, may request the department to provide individual or bulk motor vehicle records, such dissemination being related to the operation of a motor vehicle or to public safety. Upon receipt of such request, the department shall release the requested motor vehicle records. [It is the public policy of this state that records be open to the public unless otherwise provided by law. The disclosure

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provisions of this section shall be liberally construed and the exemptions strictly construed to promote this public policy.]

**6. This section is not intended to limit media access to any personal information when such access is provided by agencies or entities in the interest of public safety and is otherwise authorized by law.**

**32.300. DEPARTMENT TO IMPLEMENT INTERNET MOTOR VEHICLE LICENSE RENEWAL SYSTEM FOR CERTAIN COUNTIES AND FILING AND PAYMENT SYSTEM FOR STATE TAXES FOR ALL TAXPAYERS, DEADLINES. — In a county where personal property tax records are accessible via computer, and when proof of motor vehicle liability insurance, safety inspections and emission inspections where required are verifiable by computer, the department of revenue shall design and implement, a motor vehicle license renewal system which may be used through the department's Internet web site connection. The online license renewal system shall be available no later than January 1, 2002. The department of revenue shall also design and implement an online system allowing the filing and payment of Missouri state taxes through the department's Internet web site connection. The online tax filing and payment system shall be available for the payment of Missouri state taxes for tax years beginning on or after January 1, 2002.**

**301.025. PERSONAL PROPERTY TAXES AND FEDERAL HEAVY VEHICLE USE TAX TO BE PAID BEFORE ISSUANCE OF LICENSE — TAX RECEIPT FORMS — SUSPENSION OF VEHICLE REGISTRATION FOR FAILURE TO PAY PERSONAL PROPERTY TAX, NOTIFICATION REQUIREMENTS, REINSTATEMENT FEE, APPEALS — RULEMAKING, PROCEDURE. — 1.** No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due and which reflects that all taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. In the event the registration is a renewal of a registration made two or three years previously, the application shall be accompanied by proof that taxes were not due or have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due. The county or township collector shall not be required to issue a receipt for the immediately preceding tax year until all personal property taxes, including all delinquent taxes currently due, are paid. **If the applicant was a resident of another county of this state in the applicable preceding years, he or she must submit to the collector in the county or township of residence proof that the personal property tax was paid in the applicable tax years.** Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the

county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms. **If electronic data is not available, residents of counties with a township form of government and with township collectors shall present personal property tax receipts which have been paid for the preceding two years when registering under this section.**

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the

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property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.

4. Beginning July 1, 2000, a county or township collector may notify, by ordinary mail, any owner of a motor vehicle for which personal property taxes have not been paid that if full payment is not received within thirty days the collector may notify the director of revenue to suspend the motor vehicle registration for such vehicle. Any notification returned to the collector by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration. Thereafter, if the owner fails to timely pay such taxes the collector may notify the director of revenue of such failure. Such notification shall be on forms designed and provided by the department of revenue and shall list the motor vehicle owner's full name, including middle initial, the owner's address, and the year, make, model and vehicle identification number of such motor vehicle. Upon receipt of this notification the director of revenue may provide notice of suspension of motor vehicle registration to the owner at the owner's last address shown on the records of the department of revenue. Any suspension imposed may remain in effect until the department of revenue receives notification from a county or township collector that the personal property taxes have been paid in full. Upon the owner furnishing proof of payment of such taxes and paying a twenty dollar reinstatement fee to the director of revenue the motor vehicle or vehicles registration shall be reinstated. In the event a motor vehicle registration is suspended for nonpayment of personal property tax the owner so aggrieved may appeal to the circuit court of the county of his or her residence for review of such suspension at any time within thirty days after notice of motor vehicle registration suspension. Upon such appeal the cause shall be heard de novo in the manner provided by chapter 536, RSMo, for the review of administrative decisions. The circuit court may order the director to reinstate such registration, sustain the suspension of registration by the director or set aside or modify such suspension. Appeals from the judgment of the circuit court may be taken as in civil cases. The prosecuting attorney of the county where such appeal is taken shall appear in behalf of the director, and prosecute or defend, as the case may require.

5. [No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the**

powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

**[301.025. PERSONAL PROPERTY TAXES AND FEDERAL HEAVY VEHICLE USE TAX TO BE PAID BEFORE ISSUANCE OF LICENSE — TAX RECEIPT FORMS — SUSPENSION OF VEHICLE REGISTRATION FOR FAILURE TO PAY PERSONAL PROPERTY TAX, NOTIFICATION REQUIREMENTS, REINSTATEMENT FEE, APPEALS — RULEMAKING, PROCEDURE. —** 1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor

vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms.

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.]

**301.474. BRONZE STAR MILITARY SERVICE AWARD, SPECIAL LICENSE PLATES — APPLICATION PROCEDURE, FEES — NO ADDITIONAL PERSONALIZATION FEE — DESIGN. — 1. Any person who has been awarded the military service award known as the "bronze star" may apply for bronze star motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.**

**2. Any such person shall make application for the bronze star license plates on a form provided by the director of revenue and furnish such proof as a recipient of the bronze star as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "BRONZE STAR" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the bronze star.**

3. If the person has been awarded a bronze star with a "V" for valor device on the medal, then the director of revenue shall issue plates bearing the letter "V" in addition to the words and images required by this section. Such letter "V" shall be placed on the plate in a conspicuous manner as determined by the director.

4. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of bronze star license plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

**301.475. COMBAT MEDIC BADGE, SPECIAL LICENSE PLATES — APPLICATION PROCEDURE, FEES — NO ADDITIONAL PERSONALIZATION FEE — DESIGN.** — Any person who has been awarded the combat medic badge may apply for combat medic motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the license plates on a form provided by the director of revenue and furnish such proof as a recipient of the combat medic badge as the director may require. Upon presentation of proof of eligibility, the director shall then issue license plates bearing the words "COMBAT MEDIC" in place of the words "SHOW-ME STATE", except that such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive. Such plates shall also bear an image of the combat medic badge. There shall be a fee of fifteen dollars in addition to the regular registration fees charged for plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

**301.476. DESERT STORM AND DESERT SHIELD, SPECIAL LICENSE PLATES FOR GULF WAR VETERANS — APPLICATION PROCEDURE, FEES — NO ADDITIONAL PERSONALIZATION FEE — DESIGN.** — Any person who served in the military

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operation known as Desert Storm or Desert Shield and either currently serves in any branch of the United States armed forces or was honorably discharged from such service may apply for Desert Storm or Desert Shield motor vehicle license plates, for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the license plates authorized by this section on a form provided by the director of revenue and furnish such proof of service in desert storm or desert shield and status as currently serving in a branch of the armed forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility, payment of a fifteen-dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director, with the words "GULF WAR VETERAN" in place of the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such plates shall also bear an image of the southwest Asia service medal awarded for service in Desert Storm or Desert Shield. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

**301.3031. DIRECTOR TO NOTIFY MILITARY SPECIAL LICENSE PLATE APPLICANTS OF OPPORTUNITY TO DONATE TO WORLD WAR II MEMORIAL TRUST FUND — USE OF FUND PROCEEDS, CREATION OF FUND. — 1.** Whenever a vehicle owner pursuant to this chapter makes an application for a military license plate, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of ten dollars to the World War II memorial trust fund established pursuant to this section. The director shall transfer all contributions collected to the state treasurer for credit to and deposit in the trust fund.

**2.** There is established in the state treasury the "World War II Memorial Trust Fund". The state treasurer shall credit to and deposit in the World War II memorial trust fund all amounts received pursuant to this section, and any other amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for purposes of this section.

**3.** The Missouri veterans' commission shall administer the trust fund. The trust fund shall be used to participate in the funding of the National World War II Memorial to be located at a site dedicated on November 11, 1995, on the National Mall in Washington, D.C.

4. The state treasurer shall invest moneys in the trust fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of moneys in the trust fund shall be credited to the trust fund. The general assembly may appropriate moneys annually from the trust fund to the department of revenue to offset costs incurred for collecting and transferring contributions pursuant to subsection 1 of this section. The provisions of section 33.080, RSMo, requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the ordinary revenue fund of this state at the end of each biennium shall not apply to the trust fund.

**301.3041. WILSON'S CREEK NATIONAL BATTLEFIELD FOUNDATION SPECIAL LICENSE PLATES — EMBLEM AUTHORIZATION — APPLICATION PROCEDURE, FEES, DESIGN. — 1.** The Wilson's Creek National Battlefield Foundation may authorize the use of its official emblem to be applied on multi-year personalized license plates as provided in this section.

2. Any contribution to the Wilson's Creek National Battlefield Foundation derived from this section, except reasonable administrative costs, shall be used for the purpose of promoting and supporting the objectives of the Wilson's Creek National Battlefield Park. Any vehicle owner may annually apply to the foundation for use of the emblem. Upon annual application and payment of a twenty-five dollar emblem use contribution to the foundation, the foundation shall issue to the vehicle owner, without further charge, an "emblem use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration.

3. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the seal, emblem or logo of the foundation, to the vehicle owner. The license plate authorized by this section shall use a process to ensure that the emblem shall be displayed upon the license plate in the clearest and most attractive manner possible. The license plate authorized by this section shall be issued with a design approved by both the foundation and the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design and shall be aesthetically attractive, as prescribed by section 301.130.

4. A vehicle owner who was previously issued a plate with an institutional emblem authorized by this section and who does not provide an emblem use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the emblem, as otherwise provided by law.

**301.3051. SHRINE TEMPLE, SPECIAL LICENSE PLATES — EMBLEM AUTHORIZATION, APPLICATION PROCEDURE, FEES, DESIGN. — 1.** Any member of the Ancient Arabic Order, Nobles of the Mystic Shrine of North America (Shriners) or any person living within the state of Missouri and who has a motor vehicle which complies with the provisions of section 303.025, RSMo, may receive

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special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Shrine temple to which the person is a member in good standing. The Shrine temple described in this section shall authorize the use of its official emblem to be affixed on multi-year personalized license plates as provided in this section. Any contribution to such Shrine temple derived from this section, except reasonable administrative costs, shall be contributed to the Shriners Hospitals for Crippled and Burned Children. Any member of such Shrine temple may annually apply to the temple for the use of the emblem.

2. Upon annual application and payment of a twenty- five dollar emblem-use contribution to the Shrine temple, the temple shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to the registration fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Shrine, to the vehicle owner.

3. The license plate authorized by this section shall be in a form as prescribed in section 301.129, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. A vehicle owner, who was previously issued a plate with the Shrine emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Shrine emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

**301.3053. DISTINGUISHED FLYING CROSS MILITARY SERVICE AWARD, SPECIAL LICENSE PLATES — APPLICATION PROCEDURE, FEES — NO ADDITIONAL PERSONALIZATION FEE — DESIGN. — 1.** Any person who has been awarded the military service award known as the "Distinguished Flying Cross" may apply for Distinguished Flying Cross motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Any such person shall make application for the Distinguished Flying Cross license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Distinguished Flying Cross as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "DISTINGUISHED FLYING CROSS" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a

common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the Distinguished Flying Cross.

3. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of Distinguished Flying Cross license plates issued pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144, shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section are issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

**301.3055. MISSOURI REMEMBERS, SPECIAL LICENSE PLATES COMMEMORATING PRISONERS OF WAR AND PERSONS MISSING IN ACTION — APPLICATION PROCEDURE, FEES — NO ADDITIONAL PERSONALIZATION FEE — DESIGN. —** 1. Any person who wishes to pay tribute to those persons who were prisoners of war or those now listed as missing in action may apply for specialized motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to other registration fees and documents which may be required by law, the director of revenue shall issue a specialized license plate which shall have the words "MISSOURI REMEMBERS" on the license plates in preference to the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such license plate shall also bear the POW/MIA insignia. The license plate authorized by this section shall be made with a fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

**301.3062. AMERICAN LEGION, SPECIAL LICENSE PLATES — EMBLEM AUTHORIZATION, APPLICATION PROCEDURE, FEES, DESIGN. —** 1. Any vehicle owner who is a member of and has obtained an annual emblem-use authorization statement from the American Legion may apply for American Legion license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The American Legion hereby authorize the use of their official emblem to be affixed on multi-year personalized license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem.

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2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the American Legion, the American Legion shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the department of revenue at the time of registration of a motor vehicle.

3. Upon presentation of the annual statement and payment of a fifteen-dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a personalized license plate to the vehicle owner, which shall bear the emblem of the American Legion in a form prescribed by the director. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. A fee for the issuance of personalized license plates issued pursuant to section 301.144, shall not be required for plates issued pursuant to this section.

4. A vehicle owner, who was previously issued a plate with the American Legion emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the American Legion emblem, as otherwise provided by law.

5. The director of revenue may promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

**302.160. ASSESSMENT OF POINTS AND SUSPENSION OR REVOCATION OF LICENSE, NOTICE OF CONVICTION OUTSIDE MISSOURI.** — When the director of revenue receives notice of a conviction in another state or from a federal court [of an offense on a federal military installation], which, if committed in this state, would result in the assessment of points, [he] **the director** is authorized to assess the points and suspend or revoke the operating privilege when the accumulated points so require as provided in section 302.304.

**302.178. INTERMEDIATE DRIVER'S LICENSE, ISSUED TO WHOM, REQUIREMENTS, LIMITATIONS, FEE, DURATION, POINT ASSESSMENT — PENALTY, APPLICATION FOR FULL DRIVING PRIVILEGES, REQUIREMENTS — EXCEPTIONS — RULEMAKING AUTHORITY, PROCEDURE.** — 1. Beginning January 1, 2001, any person between the ages of sixteen and eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340, may apply for, and the director shall issue, an intermediate driver's license entitling the applicant, while having such license in his or her possession, to operate a motor vehicle of the appropriate class upon the highways of this state in conjunction with the requirements of this section. An intermediate driver's license shall be readily distinguishable from a license issued to those over the age of eighteen. All applicants for an intermediate driver's license shall:

- (1) Successfully complete the examination required by section 302.173;
- (2) Pay the fee required by subsection 3 of this section;

(3) Have had a temporary instruction permit issued pursuant to subsection 1 of section 302.130 for at least a six-month period or a valid license from another state; **and**

(4) Have a parent, grandparent or legal guardian sign the application stating that the applicant has completed at least twenty hours of supervised driving experience under a temporary instruction permit issued pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over twenty-one years of age who supervised such driving. For purposes of this section, the term "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen years of age, who:

(a) Marries with the consent of the legal custodial parent or legal guardian pursuant to section 451.080, RSMo;

(b) Has been declared emancipated by a court of competent jurisdiction;

(c) Enters active duty in the armed forces;

(d) Has written consent to the emancipation from the custodial parent or legal guardian; or

(e) Through employment or other means provides for such person's own food, shelter and other cost-of-living expenses;

(5) Have had no alcohol-related enforcement contacts as defined in section 302.525 during the preceding twelve months; and

(6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to section 302.302, within the preceding six months.

2. An intermediate driver's license grants the licensee the same privileges to operate that classification of motor vehicle as a license issued pursuant to section 302.177, except that no person shall operate a motor vehicle on the highways of this state under such an intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle without being accompanied if the travel is to or from a school or educational program or activity, a regular place of employment or in emergency situations as defined by the director by regulation. Each intermediate driver's license shall be restricted by requiring that the driver and all passengers in the licensee's vehicle wear safety belts at all times. This safety belts restriction shall not apply to a person operating a motorcycle.

3. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an intermediate driver's license shall be five dollars and such license shall be valid for a period of two years.

4. Any intermediate driver's licensee accumulating six or more points in a twelve-month period may be required to participate in and successfully complete a driver improvement program approved by the director of the department of public safety. The driver improvement program ordered by the director of revenue shall not be used in lieu of point assessment.

5. (1) An intermediate driver's licensee who has, for the preceding twelve-month period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic convictions for which points are assessed, upon reaching the age of eighteen years may apply for and receive without further examination, other than a vision test as prescribed by section 302.173, a license issued

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pursuant to this chapter granting full driving privileges. Such person shall pay the required fee for such license as prescribed in section 302.177.

**(2) The director of revenue shall deny an application for a full driver's license until the person has had no traffic convictions for which points are assessed for a period of twelve months prior to the date of application for license or until the person is eligible to apply for a six year driver's license as provided for in section 302.177, provided the applicant is otherwise eligible for full driving privileges. An intermediate driver's license shall expire when the licensee is eligible and receives a full driver's license as prescribed in subdivision (1) of this section.**

6. No person upon reaching the age of eighteen years whose intermediate driver's license and driving privilege is denied, suspended, canceled or revoked in this state or any other state, for any reason may apply for a full driver's license until such license or driving privilege is fully reinstated. Any such person whose intermediate driver's license has been revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the revocation from the director, pass the complete driver examination, apply for a new license, and pay the proper fee before again operating a motor vehicle upon the highways of this state.

7. A person shall be exempt from the intermediate licensing requirements if the person has reached the age of eighteen years and meets all other licensing requirements.

8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, [1999] **2000**, shall be invalid and void.

**302.302. POINT SYSTEM — ASSESSMENT FOR VIOLATION — ASSESSMENT OF POINTS STAYED, WHEN, PROCEDURE.** — 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal **or federal** traffic ordinance **or regulation** not listed in this section, other than a violation of vehicle equipment provisions or a court ordered supervision as provided in section 302.303 . . . . . 2 points  
(except any violation of municipal stop sign ordinance where  
no accident is involved . . . . . 1  
point)

(2) Speeding  
In violation of a state law . . . . . 3 points  
In violation of a county or municipal ordinance . . . . . 2 points

- (3) Leaving the scene of an accident in violation of section 577.060, RSMo . . . . . 12 points
- In violation of any county or municipal ordinance . . . . . 6 points
- (4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo. . . . . 4 points
- In violation of a county or municipal ordinance . . . . . 2 points
- (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:
- (a) For the first conviction . . . . . 2 points
- (b) For the second conviction . . . . . 4 points
- (c) For the third conviction . . . . . 6 points
- (6) Operating with a suspended or revoked license prior to restoration of operating privileges. . . . . 12 points
- (7) Obtaining a license by misrepresentation . . . . . 12 points
- (8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs . . . . . 8 points
- (9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of ten-hundredths of one percent or more by weight . . . . . 12 points
- (10) For the first conviction for driving with blood alcohol content ten-hundredths of one percent or more by weight
- In violation of state law . . . . . 8 points
- In violation of a county or municipal ordinance **or federal law or regulation** . . . . . 8 points
- (11) Any felony involving the use of a motor vehicle . . . . . 12 points
- (12) Knowingly permitting unlicensed operator to operate a motor vehicle . . . . . 4 points
- (13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo . . . . . 4 points
2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.
3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.
4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or

municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2), or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of this subsection, the driver improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver improvement program or a motorcycle rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver improvement program or motorcycle rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

**303.025. DUTY TO MAINTAIN FINANCIAL RESPONSIBILITY, MISDEMEANOR PENALTY FOR FAILURE TO MAINTAIN — EXCEPTION, METHODS — COURT TO NOTIFY REVENUE, ADDITIONAL PUNISHMENT, RIGHT OF APPEAL. —** 1. No owner of a motor vehicle registered in this state, or required to be registered in this state, shall operate, register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, unless the owner maintains the financial responsibility which conforms to the requirements of the laws of this state. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle. **However, no owner shall be in violation of this subsection if he or she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation. The director may prescribe rules and regulations for the implementation of this section.**

2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner provided for in section 303.160, or with a motor vehicle liability policy which conforms to the requirements of the laws of this state.

3. Any person who violates this section is guilty of a class C misdemeanor. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of this section at the time the peace officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the citation. In addition to any other authorized punishment, the court shall notify the director of revenue of any person convicted pursuant to this section and shall do one of the following:

(1) Enter an order suspending the driving privilege as of the date of the court order. If the court orders the suspension of the driving privilege, the court shall require the defendant to surrender to it any driver's license then held by such person. The length of the suspension shall be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of revenue the order of suspension of driving privilege and any license surrendered within ten days;

(2) Forward the record of the conviction for an assessment of four points; or

(3) In lieu of an assessment of points, render an order of supervision as provided in section 302.303, RSMo. An order of supervision shall not be used in lieu of points more than one time in any thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this section shall forward a record of conviction or the order of supervision to the department of revenue within ten days. The director shall establish procedures for the record keeping and administration of this section.

4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed as prohibiting the department of insurance from approving or authorizing those exclusions and limitations which are contained in automobile liability insurance policies and the uninsured motorist provisions of automobile liability insurance policies.

5. If a court enters an order of suspension, the offender may appeal such order directly pursuant to chapter 512, RSMo, and the provisions of section 302.311, RSMo, shall not apply.

**303.026. DIRECTOR TO NOTIFY OWNERS WHO REGISTER VEHICLES, CONTENTS — AFFIDAVIT CERTIFYING FINANCIAL RESPONSIBILITY REQUIRED FOR REGISTRATION — DIRECTOR MAY USE SAMPLING TECHNIQUES TO VERIFY — VERIFICATION BY OWNER, TIME — INSURERS REQUIRED TO SUBMIT POLICY INFORMATION TO DIRECTOR, FORMAT, USE, DISCLOSURE — VIOLATIONS BY INSURER, PENALTY.** — 1. The director shall inform each owner who registers a motor vehicle of the following:

(1) The existence of the requirement that every motor vehicle owner in the state must maintain his financial responsibility;

(2) The requirement that every motor vehicle owner show an insurance identification card, or a copy thereof, or other proof of financial responsibility at the time of vehicle registration; this notice shall be given at least thirty days prior to the month for renewal and shall be shown in bold, colored print;

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(3) The penalties which apply to violations of the requirement to maintain financial responsibility;

(4) The benefits of maintaining coverages in excess of those which are required;

(5) The director's authority to conduct samples of Missouri motor vehicle owners to insure compliance.

2. No motor vehicle owner shall be issued registration for a vehicle unless the owner, or his authorized agent, signs an affidavit provided by the director of revenue at the time of registration of the vehicle certifying that such owner has and will maintain, during the period of registration, financial responsibility with respect to each motor vehicle that is owned, licensed or operated on the streets or highways. The affidavit need not be notarized, but it shall be acknowledged by the person processing the form. The affidavit shall state clearly and in bold print the following: "Any false affidavit is a crime under section 575.050 of Missouri law.". In addition, every motor vehicle owner shall show proof of such financial responsibility by presenting his or her insurance identification card, as described in section 303.024, or a copy thereof, or some other proof of financial responsibility in the form prescribed by the director of revenue at the time of registration unless such owner registers his vehicle in conjunction with a reciprocity agreement entered into by the Missouri highway reciprocity commission pursuant to sections 301.271 to 301.279, RSMo, or unless the owner insures the vehicle according to the requirements of the division of motor carrier and railroad safety pursuant to section 390.126, RSMo.

3. To ensure compliance with this chapter, the director may utilize a variety of sampling techniques including but not limited to random samples of registrations subject to this section, uniform traffic tickets, insurance information provided to the director at the time of motor vehicle registration, and persons who during the preceding year have received a disposition of court-ordered supervision or suspension. The director may verify the financial responsibility of any person sampled or reported.

**(1) Beginning January 1, 2001, the director may require such information, as in his or her discretion is necessary to enforce the requirements of subdivision 1 of subsection 1 of this section, to be submitted from the person's insurer or insurance company. When requested by the director of revenue, all licensed insurance companies in this state which sell private passenger (non-commercial) motor vehicle insurance policies shall report information regarding the issuance, non-renewal and cancellation of such policies to the director, excluding policies issued to owners of fleet or rental vehicles or issued on vehicles that are insured pursuant to a commercial line policy. Such information shall be reported electronically in a format as prescribed by the director of the department of revenue by rule except that such rule shall provide for an exemption from electronic reporting for insurers with a statistically insignificant number of policies in force.**

**(2) The director may require the data described in subsection 2 of section 303.412 to be reported by insurance companies and require reporting periods of at least once per month. When required by the director of revenue, each insurance company shall provide to the department a record of each policy issued, canceled, terminated or revoked during the period since the previous**

report. Nothing in this section shall prohibit insurance companies from reporting more frequently than once per month.

(3) The director may use reports described in subdivision (1) of this subsection for sampling purposes as provided in this section.

4. Information provided to the department by an insurance company for use in accordance with this section is the property of the insurer and is not subject to disclosure pursuant to chapter 610, RSMo. Such information may be utilized by the department for enforcement of chapter 303, RSMo, but may not be disclosed except that the department shall disclose whether an individual is maintaining the required insurance coverage upon request of the following individuals and agencies only:

- (1) The individual;
- (2) The parent or legal guardian of an individual if the individual is an unemancipated minor;
- (3) The legal guardian of the individual if the individual is legally incapacitated;
- (4) Any person who has power of attorney from the individual;
- (5) Any person who submits a notarized release from the individual that is dated no more than ninety days before the request is made;
- (6) Any person claiming loss or injury in a motor vehicle accident in which the individual is involved;
- (7) The office of the state auditor, for the purpose of conducting any audit authorized by law.

5. The director, after consultation with the working group as provided for in section 303.406, may adopt any rules and regulations necessary to carry out the provisions of subdivisions (1) through (3) of subsection 3 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

6. Any person or agency who knowingly discloses information received from insurance companies pursuant to this section for any purpose, or to a person, other than those authorized in this section is guilty of a class A misdemeanor. No insurer shall be liable to any person for performing its duties pursuant to this section unless and to the extent the insurer commits a willful and wanton act of omission.

7. The department of revenue shall notify the department of insurance of any insurer who violates any provisions of this section. The department of insurance may, against any insurer who knowingly fails to comply with this section, assess an administrative penalty up to five hundred dollars per day of noncompliance. The department of insurance may excuse the administrative

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penalty if an assessed insurer provides acceptable proof that such insurer's noncompliance was inadvertent, accidental or the result of excusable neglect. The penalty provisions of this section shall become effective six months after the rule issued pursuant to subsections 3 and 5 of this section are published in the code of state regulations.

[4.] **8.** To verify that financial responsibility is being maintained, the director shall notify the owner **or operator** of the need to provide, within fifteen days, proof of the existence of the required financial responsibility. The request shall require the owner[,] or [where applicable,] the operator, to state whether or not the motor vehicle was insured on the verification date stated in the director's request. The request may include but not be limited to a statement of the names and addresses of insurers, policy numbers and expiration date of insurance coverage. Failure to provide such information shall result in the suspension of the registration of the owner's motor vehicle, [or] **and** where applicable, the **owner's or the operator's** driving privilege, for failing to meet such requirements, as is provided in this chapter.

**303.041. FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY — NOTICE, PROCEDURE, CONTENTS — SUSPENSION OF LICENSE AND REGISTRATION — REQUEST FOR HEARING, RIGHT, EFFECT — SUBSEQUENT ACQUISITION OF FINANCIAL RESPONSIBILITY, EFFECT — DURATION OF SUSPENSION, FEE.** — 1. If the director determines that as a result of a verification sample or accident report that the owner of a motor vehicle has not maintained financial responsibility, or if the director determines as a result of an order of court supervision that the operator of a motor vehicle has not maintained the financial responsibility as required in this chapter, the director shall thirty-three days after mailing notice, suspend the driving privilege of the **owner or** operator and/or the registration of the vehicle failing to meet such requirement. The notice of suspension shall be mailed to the person at the last known address shown on the department's records. The notice of suspension is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made. If the request for a hearing is received by the department prior to the effective date of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing.

2. Neither the fact that subsequent to the date of verification or conviction, the owner acquired the required liability insurance policy nor the fact that the owner terminated ownership of the motor vehicle, shall have any bearing upon the director's decision to suspend. Until it is terminated, the suspension shall remain in force after the registration is renewed or a new registration is acquired for the motor vehicle. The suspension also shall apply to any motor vehicle to which the owner transfers the registration. Effective January 1, 2000, the department shall not extend any suspension for failure to pay a delinquent late surrender fee pursuant to this subsection.

**303.042. SUSPENSION, EFFECTIVE WHEN — LENGTH OF SUSPENSION, FACTORS CONSIDERED — FALSE SUBMISSION OF PROOF OF INSURANCE, SUSPENSION,**

**DURATION, FEE.** — 1. The suspension shall become effective thirty days after the subject person is deemed to have received the notice of suspension by [certified] **ordinary** mail as provided in section 303.041.

2. The period of suspension under this section shall be as follows:

(1) If the person's [driving] record shows no prior violation, the director shall terminate the suspension upon payment [by the owner] of a reinstatement fee of twenty dollars and submission of proof of insurance as prescribed **in section 303.026 or some other form of proof of insurance as prescribed** by the director;

(2) If the person's record shows one prior violation within the immediately preceding two years, the director shall terminate the suspension ninety days after its effective date upon payment [by the owner] of a reinstatement fee of two hundred dollars and submission of proof of insurance as prescribed **in section 303.026 or some other form of proof of insurance as prescribed** by the director;

(3) If the person's record shows two or more prior violations, the period of suspension shall terminate one year after its effective date upon payment of a reinstatement fee of four hundred dollars and submission of proof of insurance as prescribed **in section 303.026 or some other form of proof of insurance as prescribed** by the director.

3. In the event that proof of insurance [as prescribed by the director] **required by this section** has not been filed with the department of revenue in accordance with this chapter prior to the end of the period of suspension provided in this section, such period of suspension shall be extended until such proof of insurance as prescribed by the director has been filed. In no event shall filing proof of insurance as prescribed by the director reduce any period of suspension.

4. If the director determines that the proof of insurance submitted by a motor vehicle owner or operator pursuant to this chapter is false, the director shall suspend the owner's vehicle registration and operator's driving privilege. The director shall terminate the suspension one year after the effective date upon payment by the owner or operator of a reinstatement fee of one hundred fifty dollars and submission of proof of insurance as prescribed **in section 303.026 or some other form of proof of insurance as prescribed** by the director.

5. **In all cases involving a suspension as provided in section 303.042, the director shall not require an individual to file a certificate of insurance as provided in section 303.170 or section 303.180 or some other form of high-risk insurance in order to terminate the suspension, excluding cases involving a motor vehicle accident where one or more parties involved in the accident were uninsured.**

**303.044. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED FOR REREGISTRATION.** — After the period of suspension provided in section 303.042 has elapsed, the owner or operator, or both, whose license or registration has been suspended must file proof of [financial responsibility] **insurance as prescribed in section 303.026 or some other proof of insurance as prescribed by the director** for a period of three years thereafter with respect to all motor vehicles registered to him. If proof of [financial responsibility] **insurance** is not maintained during the three-year period to the satisfaction of the director, he shall again suspend the license and all

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registrations until the owner or operator shall thereafter maintain proof of [financial responsibility] **insurance** as set out herein. **In no case shall the director require the person whose license or registration has been suspended pursuant to this section to file a certificate of insurance as prescribed by section 303.170 or section 303.180 or some other form of high-risk insurance, excluding cases involving a motor vehicle accident where one or more parties involved in the accident were uninsured.**

**303.406. DATABASE AND FUND CREATED, PURPOSE, ADMINISTRATION — DISCLOSURE, WHEN, VIOLATIONS, PENALTIES — REVIEW AND REPORT TO GENERAL ASSEMBLY — EXPIRATION OF SUBSECTION, WHEN. — 1.** The "Motorist Insurance Identification Database" is hereby created for the purpose of establishing a database to use to verify compliance with the motor vehicle financial responsibility requirements of this chapter. The program shall be administered by the department **and shall receive funding from the "Motorist Insurance Identification Database Fund", which is hereby created in the state treasury. Effective July 1, 2002, the state treasurer shall credit to and deposit in the motorist insurance identification database fund six percent of the net general revenue portion received from collections of the insurance premiums tax levied and collected pursuant to sections 148.310 to 148.461, RSMo.**

2. To implement the program, the department may by [January 1, 2001] **July 1, 2002**, contract with a designated agent which shall monitor compliance with the motor vehicle financial responsibility requirements of this chapter, except that the program shall not be implemented to notify owners of registered motor vehicles until the department certifies that the accuracy rate of the program exceeds ninety-five percent in correctly identifying owners of registered motor vehicles as having maintained or failed to maintain financial responsibility. After the department has entered into a contract with a designated agent, the department shall convene a working group for the purpose of facilitating the implementation of the program.

3. The designated agent, using its own computer network, shall, no later than [July 1] **December 31, [2001] 2002**, develop, **deliver** and maintain a computer database with information provided by:

(1) Insurers, pursuant to sections 303.400 to 303.415; except that, any person who qualifies as self-insured pursuant to this chapter, or provides proof of insurance to the director pursuant to the provisions of section 303.160, shall not be required to provide information to the designated agent, **but the state shall supply these records to the designated agent for inclusion in the database;** and

(2) The department, which shall provide the designated agent with the name, date of birth and address of all persons in its computer database, and the make, year and vehicle identification number of all registered motor vehicles.

4. The department shall establish guidelines for the designated agent's development of the computer database so the database can be easily accessed by state and local law enforcement agencies within procedures already established, and shall not require additional computer keystrokes or other additional procedures by dispatch or law enforcement personnel. Once the database is operational, the designated agent shall, at least monthly, update the database with information provided by insurers and

the department, and compare then-current motor vehicle registrations against the database.

5. Information provided to the designated agent by insurers and the department for inclusion in the database established pursuant to this section is the property of the insurer [of] **or** the department, as the case may be, and is not subject to disclosure pursuant to chapter 610, RSMo. Such information may not be disclosed except as follows:

(1) The designated agent shall verify a person's insurance coverage upon request by any state or local government agency investigating, litigating or enforcing such person's compliance with the motor vehicle financial responsibility requirements of this chapter;

(2) The department shall disclose whether an individual is maintaining the required insurance coverage upon request of the following individuals and agencies only:

(a) The individual;

(b) The parent or legal guardian of an individual if the individual is an unemancipated minor;

(c) The legal guardian of the individual if the individual is legally incapacitated;

(d) Any person who has power of attorney from the individual;

(e) Any person who submits a notarized release from the individual that is dated no more than ninety days before the request is made;

(f) Any person claiming loss or injury in a motor vehicle accident in which the individual is involved;

(g) The office of the state auditor, for the purpose of conducting any audit authorized by law.

6. Any person or agency who knowingly discloses information from the database for any purpose, or to a person, other than those authorized in this section is guilty of a class A misdemeanor. The state shall not be liable to any person for gathering, managing or using information in the database pursuant to this section. The designated agent shall not be liable to any person for performing its duties pursuant to this section unless and to the extent such agent commits a willful and wanton act or omission **or is negligent**. The designated agent shall be liable to any insurer damaged by the designated agent's negligent failure to protect the confidentiality of the information and data disclosed by the insurer to the designated agent. The designated agent shall provide to this state an errors and omissions insurance policy covering such agent in an appropriate amount. No insurer shall be liable to any person for performing its duties pursuant to this section unless and to the extent the insurer commits a willful and wanton act of omission.

7. The department shall review the operation and performance of the motorist insurance identification database program to determine whether the number of uninsured motorists have declined during the first three years following implementation and shall submit a report of its findings to the general assembly no later than [December thirty-first] **January fifteenth** of the year following the third complete year of implementation. The department shall make copies of its report available to each member of the general assembly. [This subsection shall expire after the report provided for in this subsection has been made available.]

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8. This section shall not supersede other actions or penalties that may be taken or imposed for violation of the motor vehicle financial responsibility requirements of this chapter.

9. The working group as provided for in subsection 2 of this section shall consist of representatives from the insurance industry, department of insurance, department of public safety and the department of revenue. The director of revenue, after consultation with the working group, shall promulgate any rules and regulations necessary to administer and enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

[10. Unless the review conducted by the department and reported to the general assembly as provided in this section indicates a decline in the number of uninsured motorist claims reported, this section is subject to repeal by the general assembly.]

**303.409. FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY, NOTICE, RIGHT TO HEARING — SUSPENSION, DURATION, FACTORS, EXTENSION FOR FAILURE TO FILE PROOF OF INSURANCE, MAINTENANCE OF PROOF — EXCEPTION FOR INOPERABLE OR STORED MOTOR VEHICLES.** — 1. If the motorist insurance identification database indicates the owner of a registered motor vehicle has, regardless of the owner's operation of such motor vehicle, failed to maintain the financial responsibility required in section 303.025 for two consecutive months, the designated agent shall on behalf of the director inform the owner that the director will suspend the owner's vehicle registration if the owner does not present proof of insurance as prescribed by the director within thirty days from the date of mailing. **The designated agent shall not select owners of fleet or rental vehicles or vehicles that are insured pursuant to a commercial line policy for notification to determine motor vehicle liability coverage. The director may prescribe rules and regulations necessary for the implementation of this subsection.** The notice issued to the vehicle owner by the designated agent shall be sent to the last known address shown on the department's records. The notice is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing and the date by which that request for a hearing must be made. The suspension shall become effective thirty days after the subject person is deemed to have received the notice of suspension by [certified] **first class** mail as provided in section 303.041. If the request for a hearing is received prior to the effective date of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing; however, any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension during the period of delay.

2. Neither the fact that, subsequent to the date of verification, the owner acquired the required liability insurance policy nor the fact that the owner terminated ownership of the motor vehicle shall have any bearing upon the director's decision to suspend. The suspension shall remain in force until termination despite the renewal of

registration or acquisition of a new registration for the motor vehicle. The suspension shall also apply to any motor vehicle to which the owner transfers the registration.

3. Upon receipt of notification from the designated agent, the director shall suspend the owner's vehicle registration effective immediately. The suspension period shall be as follows:

(1) If the person's record shows no prior violation, the director shall terminate the suspension upon payment of a reinstatement fee of twenty dollars and submission of proof of insurance, as prescribed by the director;

(2) If the person's record shows one prior violation for failure to maintain financial responsibility within the immediately preceding two years, the director shall terminate the suspension ninety days after its effective date upon payment of a reinstatement fee of two hundred dollars and submission of proof of insurance, as prescribed by the director;

(3) If the person's record shows two or more prior violations for failure to maintain financial responsibility, the period of suspension shall terminate one year after its effective date upon payment of a reinstatement fee of four hundred dollars and submission of proof of insurance, as prescribed by the director.

4. In the event that proof of insurance as prescribed by the director has not been filed with the department of revenue in accordance with this chapter prior to the end of the period of suspension provided in this section, such period of suspension shall be extended until such proof of insurance has been filed. In no event shall filing proof of insurance reduce any period of suspension. If proof of insurance is not maintained during the three-year period following the reinstatement or termination of the suspension, the director shall again suspend the license and motor vehicle registration until proof of insurance is filed or the three-year period has elapsed. In no event shall filing proof of insurance reduce any period of suspension.

**5. Notwithstanding the provisions of subsection 1 of this section, the director shall not suspend the registration or registrations of any owner who establishes to the satisfaction of the director that the owner's motor vehicle was inoperable or being stored and not operated on the date proof of financial responsibility is required by the director.**

**303.412. REPORTING BY INSURANCE COMPANIES, FREQUENCY, REQUIRED INFORMATION — REVENUE TO NOTIFY DEPARTMENT OF INSURANCE OF VIOLATION, PENALTY, EXCEPTIONS. — 1. [By] Beginning March 1, [2001] 2003, before the seventh working date of each calendar month, all licensed insurance companies in this state shall provide to the designated agent a record of all policies in effect [on the date the information is provided. Before the seventh working date of each calendar month, each insurer that issues a policy pursuant to this chapter shall provide to the designated agent a record of each policy issued, canceled, terminated, suspended or revoked during the immediately preceding month.] on the last day of the preceding month.** This subsection shall not prohibit more frequent reporting.

2. The record pursuant to subsection 1 of this section shall include the following:

(1) The name, date of birth, driver's license number and address of each insured [owner and operator];

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(2) The make, year and vehicle identification number of each insured motor vehicle;

(3) The policy number[,] **and** effective date [and expiration date] of the policy.

3. The department of revenue shall notify the department of insurance of any insurer who violates any provisions of this act. The department of insurance may, against any insurer who fails to comply with this section, assess a fine not greater than one thousand dollars per day of noncompliance. The department of revenue may assess a fine not greater than one thousand dollars per day against the designated agent for failure to complete the project by the dates designated in sections 303.400 to 303.415 **unless the delay is deemed beyond the control of the designated agent or the designated agent provides acceptable proof that such a noncompliance was inadvertent, accidental or the result of excusable neglect.** The department of insurance shall excuse the fine **against any insurer** if an assessed insurer provides acceptable proof that such insurer's noncompliance was inadvertent, accidental or the result of excusable neglect.

**303.415. EFFECTIVE AND EXPIRATION DATES.** — 1. Sections 303.400 [to 303.415] **and 303.403** shall become effective on [January 1, 2001] **July 1, 2002**, and shall expire on [January 1, 2004] **June 30, 2007**.

2. The enactment **of section 303.025, and the repeal and reenactment** of sections [303.400, 303.403,] 303.406, 303.409, 303.412 and 303.415 shall become effective July 1, [2001] **2002** and sections **303.406, 303.409 and 303.412** shall expire **on June 30, 2007**.

**390.128. DIVISION OF MOTOR CARRIER AND RAILROAD SAFETY REQUIRED TO PROMULGATE RULES FOR ELECTRONIC FILING OF CERTIFICATES OF INSURANCE BY INSURANCE COMPANIES — CONFIRMATION OF COVERAGE AND ACCEPTANCE OF PROOF OF NONRESIDENT INSURANCE MAY BE PROVIDED.** — 1. **To assist motor carriers in certifying their motor vehicle financial responsibility as required pursuant to chapters 390 and 622, RSMo, the division of motor carrier and railroad safety within the state department of economic development shall provide by rule for the electronic filing by insurance companies of certificates of insurance required by section 390.126, RSMo. The division may provide by rule for the confirmation of coverage by insurance companies authorized to do business in the state through national clearinghouses or private databases. The division may provide by rule for the acceptance of proof of insurance from insurance companies located outside of the state.**

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

**SECTION B. EFFECTIVE DATE.** — The repeal and reenactment of sections 303.041, 303.042 and 303.044 shall become effective March 1, 2001.

Approved July 12, 2000

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HB 1802 [HB 1802]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows mortgage insurance for up to one hundred percent of the market value of the property.**

AN ACT to repeal section 443.415, RSMo Supp. 1999, relating to mortgage insurers, and to enact in lieu thereof one new section relating to the same subject.

SECTION

A. Enacting clause.

443.415. Mortgage may be insured for certain buyers, amount, requirements.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 443.415, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 443.415, to read as follows:

**443.415. MORTGAGE MAY BE INSURED FOR CERTAIN BUYERS, AMOUNT, REQUIREMENTS.** — Mortgage insurers may insure a mortgage in an amount not exceeding [ninety-seven] **one hundred** percent of the fair market value of the authorized real estate security at the time that the loan is made if secured by a first lien or charge on such real estate security.

Approved June 27, 2000

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HB 1808 [CCS SS SCS HB 1808]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Pertains to public benefits and compensation.**

AN ACT to repeal sections 70.605, 70.661, 70.680, 70.685, 86.203, 86.207, 86.210, 86.213, 86.217, 86.220, 86.227, 86.237, 86.240, 86.243, 86.247, 86.250, 86.257,

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86.263, 86.270, 86.277, 86.288, 86.290, 86.293, 86.297, 86.300, 86.303, 86.307, 86.310, 86.313, 86.317, 86.323, 86.327, 86.330, 86.337, 86.340, 86.343, 86.344, 86.350, 86.353, 86.357, 86.360, 86.364, 86.365, 86.366, 86.403, 86.433, 86.437, 86.442, 86.493, 86.675, 86.730, 86.780, 87.120, 87.176, 87.230, 87.237, 103.085, 104.140, 104.345, 355.561 and 355.596, RSMo 1994, and sections 67.210, 70.655, 70.675, 84.160, 86.200, 86.248, 86.251, 86.252, 86.253, 86.254, 86.255, 86.256, 86.260, 86.267, 86.280, 86.283, 86.287, 86.320, 86.354, 86.440, 86.441, 86.447, 86.483, 86.750, 86.770, 104.010, 104.090, 104.103, 104.335, 104.344, 104.350, 104.372, 104.380, 104.395, 104.420, 104.517, 104.610, 104.1015, 104.1024, 104.1027, 104.1042, 104.1072, 104.1090, 168.021, 169.060, 169.070, 169.075, 169.600, 169.620, 169.663, 169.670, 476.690 and 513.430, RSMo Supp. 1999, relating to certain pension benefits and compensation, and to enact in lieu thereof one hundred fifteen new sections relating to the same subject, with an emergency clause.

#### SECTION

##### A. Enacting clause.

- 50.1175. Pension benefits and retirement allowances, exempt from attachment, garnishment and other processes — exception, child support and maintenance.
- 56.824. Certain members may elect reduced benefit at age sixty-two.
- 67.210. Political subdivisions may provide health insurance benefits when, to whom.
- 70.605. Missouri local government employees' retirement system created — board of trustees, composition, terms — annual meeting — vacancies, how created — oath — appointment of actuary, attorney and investment counselor — mortality tables to be adopted — record of proceedings — hearings, notice — surety bonds — annual audits — expenses of board — rules and regulations, adoption.
- 70.655. Retirement benefits — program to be selected by governing body — formula for computing benefits — cost-of-living factor — suspension of certain benefits, when.
- 70.661. Member deceased before retirement, surviving spouse or dependent children entitled to benefits, when — determination of eligibility.
- 70.675. Deferred allowance, requirements, option — contribution withdrawal, effect on credited service — death of former member prior to retirement, allowance payable to surviving spouse, when.
- 70.680. Disability retirement — medical examinations required, when — option.
- 70.685. Maximum disability benefit, effect of other benefits or remuneration received by retirant.
- 84.160. Annual salary tables — overtime, how compensated — other employment benefits — unused vacation, compensation for certain officers.
- 86.200. Definitions.
- 86.203. Establishment of system — name — effective date.
- 86.207. Members of system, who are.
- 86.210. Service creditable.
- 86.213. Board of trustees to administer — members of board, selection — terms.
- 86.217. Vacancy on board, how filled — trustees to receive expenses.
- 86.220. Oath of trustees.
- 86.227. Jurisdiction of board — decisions subject to judicial review.
- 86.237. Legal adviser — medical board — appointment of administrator.
- 86.240. Actuary, duties.
- 86.243. Regular actuarial surveys — adoption of mortality tables — certification of contribution rates.
- 86.247. Annual valuation of assets and liabilities.
- 86.248. Assets of fund retained for benefit of members.
- 86.250. Members may retire when — application to board to be made when — compulsory retirement.
- 86.251. Deferred retirement option plan — election — deposit of retirement allowance in DROP account — termination of participation, when — forms of payment — effect of participation

- death of member, payment of funds — accidental disability retirement allowance, effect — interest, amount — approval by IRS — election for monthly survivor annuity, when.
  - 86.252. Distribution of interest of member, when — distribution periods.
  - 86.253. Service retirement allowance, how calculated — military service credit — contributions refund, when — retiree, surviving spouses, special consultants, when, benefits reduced, when.
  - 86.254. Special advisors, qualifications, duties, compensation — effective, when — surviving spouses as advisors, when, compensation.
  - 86.255. Eligible rollover distribution payable, election to pay directly to plan — definitions — written explanation required by board, when — distribution made, when.
  - 86.256. Annual benefit not to exceed certain amount — annual additions not to exceed certain amount — combined plan limitation not to be exceeded — incorporation by reference of Internal Revenue Code.
  - 86.257. Disability retirement allowance granted, when.
  - 86.260. Disability allowance, how calculated — members as special consultants, when — benefits for children.
  - 86.263. Service-connected accidental disability retirement.
  - 86.267. Service-connected disability retirement allowance calculated, how — appointment as special consultant, amount to be paid, duties.
  - 86.270. Examination of applicants for disability benefits — reexamination of members retired on disability.
  - 86.277. Disability allowance ceases on return to service — status as member.
  - 86.280. Death benefit — dependents' allowances.
  - 86.283. Death benefits of retired member — dependents' allowances — cost-of-living adjustment.
  - 86.287. Accidental death benefit — dependents' allowances.
  - 86.288. Contributions paid to surviving spouses, when.
  - 86.290. Accumulated contributions refunded, when.
  - 86.292. Accumulated contributions to remain system assets, when.
  - 86.293. Disposition of difference between benefits paid and accumulated contributions.
  - 86.297. Workers' compensation or other benefits offset against allowances.
  - 86.300. Trustees to manage funds.
  - 86.303. Interest on members' accounts.
  - 86.307. Treasurer, custodian of assets — payments from, made how.
  - 86.310. Ten percent may be kept in cash — maximum per depository.
  - 86.313. Trustees and employees not to have direct interest in investments.
  - 86.317. Assets credited to four funds, how designated.
  - 86.320. Contributions, rate of — deduction from compensation.
  - 86.323. Benefit reserve fund defined, how used.
  - 86.327. General reserve fund defined.
  - 86.330. Normal rate of contribution, how determined.
  - 86.337. Amount payable to general reserve fund — city's contribution.
  - 86.340. Accrued liability contribution discontinued, when.
  - 86.343. Annual expenses — city, board each provide one-half — board, duties.
  - 86.344. Certification of amounts due and payable, when, to whom — city, to appropriate funds, when.
  - 86.350. City obligated to pay cost of benefits and one-half of expenses.
  - 86.353. Benefits exempt from taxes and execution — not assignable, exception, child support or maintenance.
  - 86.354. Benefit vested and nonforfeitable, when — forfeitures, use of.
  - 86.357. Fraud in obtaining benefits, a misdemeanor — adjustment of errors.
  - 86.360. Consolidation of retirement system created by sections 86.010 to 86.193 with system created by this law.
  - 86.364. Certain sections to terminate, when.
  - 86.365. Special advisors, qualifications, compensation.
  - 86.366. Retired members made special advisors, when — compensation — applicants, processing.
  - 86.403. Voting — quorum.
  - 86.433. Retirement after thirty years, exception — minimum pension.
  - 86.437. Retirement at age sixty, when — pension, how calculated.
  - 86.440. Minimum pensions — special consultant, duty, compensation, cost-of-living adjustments.
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- 86.441. Cost-of-living adjustments, how computed.
  - 86.442. Supplemental retirement benefits, amounts, determination, purpose — member to be special consultant, compensation — board, powers — surviving spouse benefit limitations.
  - 86.447. Pensions of dependents of deceased retired members — funeral benefit — special consultant, duty, compensation.
  - 86.483. Investment of funds, board authorized to manage, designate depository — procedures.
  - 86.493. Moneys exempt from taxation and process, except for support orders and assignments.
  - 86.675. Cost-of-living adjustment — terms defined.
  - 86.730. Retirement boards — votes — records and reports — seal.
  - 86.750. Board shall be trustees of funds — powers and duties.
  - 86.770. Contributions credited to system — benefits, expenses — employer obligation.
  - 86.780. Benefits exempt from execution — not assignable, except for support obligations.
  - 87.120. Definitions.
  - 87.176. Special advisors to retirement system, qualifications — repayment of contribution, procedure.
  - 87.230. Widow may serve as special consultant, when, compensation, duties.
  - 87.237. Retiree to become special advisor, when, compensation.
  - 103.085. Termination of coverage, when, exceptions, certain persons may choose to continue coverage, requirements.
  - 104.010. Definitions.
  - 104.090. Normal annuity of retired member — additional allowance to patrolmen, qualifications — survivorship options — option selected prior to retirement, death of spouse, effect.
  - 104.103. Annual benefit increase, when, how computed — limitation — reversion of amount of benefit — special consultant, compensation.
  - 104.140. Death prior to retirement, benefits.
  - 104.335. Vesting service — members who are entitled to annuities — requirements, amounts — terminated vested member, judge, administrative law judge or legal advisor, election to pay present value of annuity, eligibility, purchase of prior service credit.
  - 104.344. Member entitled to purchase prior creditable service for nonfederal full-time public employment or contractual services — method, period, limitation.
  - 104.345. Circuit clerks entitled to prior service credit, when — certain circuit clerks to be appointed consultants, duties, compensation to be creditable service, when — clerks entitled to refund of contribution, procedure, also entitled to prior service credit.
  - 104.350. Withdrawal from service, when, reentry after withdrawal, how made — forfeiture and reinstatement of creditable service.
  - 104.372. General assembly members and elective state officers, survivor's income payments, when, amount — death before retirement survivor's benefit — creditable prior service for certain teachers employed by state — surviving spouse, special consultant.
  - 104.380. Retired members elected to state office, effect of — reemployment of retired members, payment of annuity.
  - 104.395. Options available to members in lieu of normal annuity — spouse as designated beneficiary, when — statement that spouse aware of retirement plan elected — reversion of amount of benefit, conditions — special consultant, compensation — election to be made, when.
  - 104.420. Death before retirement, member or disabled member — surviving spouse to receive benefits — if no qualifying surviving spouse, children's benefits.
  - 104.517. Life insurance benefits, employees covered — certain departments and highway patrol may elect coverage — amount — additional insurance by payroll deductions, maximum — retention of coverage on retirement, cost deducted from retirement benefits — death benefits for special consultants.
  - 104.610. Special consultants, employment as, when — compensation, how, calculation of — severability provisions — former members as special consultants, when — certain special consultants may be eligible for survivor benefits.
  - 104.1015. Election into year 2000 plan, effect of — comparison of plans provided — calculation of annuity.
  - 104.1024. Retirement, application — annuity payments, how paid, amount.
  - 104.1027. Options for election of annuity reduction — spouse's benefits.
  - 104.1042. Long-term disability, effect on retiree's annuity.
  - 104.1072. Life insurance benefits — medical insurance for certain retirees.
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- 104.1090. Additional credited service, when.
- 168.021. Issuance of teachers' licenses — effect of certification in another state and subsequent employment in this state.
- 169.060. Retirement and disability.
- 169.070. Retirement allowances, how computed, election allowed, time period — options — effect of federal O.A.S.I. coverage — cost-of-living adjustment authorized — limitation of benefits — employment of special consultant, compensation, minimum benefits.
- 169.075. Survivors' benefits, options — purchase of prior service credits for previous service in another Missouri public school retirement system, cost — monthly retirement allowance — special consultant qualification, compensation, duties.
- 169.600. Definitions.
- 169.620. Contributions by members and employers — rate — penalty for failure to remit — benefits to be reduced, when — purchase of service credit, certain members, how.
- 169.663. Disability retirement, when — return to duty, effect of disability payments — disability defined.
- 169.670. Benefits, how computed — beneficiary benefits, options, election of.
- 173.003. Retirement and severance policies, uniformity requirement.
- 355.561. Amendment to articles by board or members.
- 355.596. Amendment by directors and members.
- 476.687. Previous state employment, additional credited service.
- 476.690. Eligible judge electing not to retire shall receive in addition to retirement compensation all annual cost-of-living increases given to retired judges — appointment as special consultant.
- 513.430. Property exempt from attachment — benefits from certain employee plans, exception — bankruptcy proceeding, fraudulent transfers, exception — construction of section.
  - B. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 70.605, 70.661, 70.680, 70.685, 86.203, 86.207, 86.210, 86.213, 86.217, 86.220, 86.227, 86.237, 86.240, 86.243, 86.247, 86.250, 86.257, 86.263, 86.270, 86.277, 86.288, 86.290, 86.293, 86.297, 86.300, 86.303, 86.307, 86.310, 86.313, 86.317, 86.323, 86.327, 86.330, 86.337, 86.340, 86.343, 86.344, 86.350, 86.353, 86.357, 86.360, 86.364, 86.365, 86.366, 86.403, 86.433, 86.437, 86.442, 86.493, 86.675, 86.730, 86.780, 87.120, 87.176, 87.230, 87.237, 103.085, 104.140, 104.345, 355.561 and 355.596, RSMo 1994, and sections 67.210, 70.655, 70.675, 84.160, 86.200, 86.248, 86.251, 86.252, 86.253, 86.254, 86.255, 86.256, 86.260, 86.267, 86.280, 86.283, 86.287, 86.320, 86.354, 86.440, 86.441, 86.447, 86.483, 86.750, 86.770, 104.010, 104.090, 104.103, 104.335, 104.344, 104.350, 104.372, 104.380, 104.395, 104.420, 104.517, 104.610, 104.1015, 104.1024, 104.1027, 104.1042, 104.1072, 104.1090, 168.021, 169.060, 169.070, 169.075, 169.600, 169.620, 169.663, 169.670, 476.690 and 513.430, RSMo Supp. 1999, are repealed and one hundred fifteen new sections enacted in lieu thereof, to be known as sections 50.1175, 56.824, 67.210, 70.605, 70.655, 70.661, 70.675, 70.680, 70.685, 84.160, 86.200, 86.203, 86.207, 86.210, 86.213, 86.217, 86.220, 86.227, 86.237, 86.240, 86.243, 86.247, 86.248, 86.250, 86.251, 86.252, 86.253, 86.254, 86.255, 86.256, 86.257, 86.260, 86.263, 86.267, 86.270, 86.277, 86.280, 86.283, 86.287, 86.288, 86.290, 86.292, 86.293, 86.297, 86.300, 86.303, 86.307, 86.310, 86.313, 86.320, 86.330, 86.337, 86.340, 86.343, 86.344, 86.350, 86.353, 86.354, 86.357, 86.360, 86.364, 86.365, 86.366, 86.403, 86.433, 86.437, 86.440, 86.441, 86.442, 86.447, 86.483, 86.493, 86.675, 86.730, 86.750, 86.770, 86.780, 87.120, 87.230, 87.237, 103.085, 104.010, 104.090, 104.103, 104.140, 104.335, 104.344,

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104.345, 104.350, 104.372, 104.380, 104.395, 104.420, 104.517, 104.610, 104.1015, 104.1024, 104.1027, 104.1042, 104.1072, 104.1090, 168.021, 169.060, 169.070, 169.075, 169.600, 169.620, 169.663, 169.670, 173.003, 355.561, 355.596, 476.687, 476.690 and 513.430, to read as follows:

**50.1175. PENSION BENEFITS AND RETIREMENT ALLOWANCES, EXEMPT FROM ATTACHMENT, GARNISHMENT AND OTHER PROCESSES — EXCEPTION, CHILD SUPPORT AND MAINTENANCE. —** The right of a person to an annuity, pension benefit, funds, retirement allowance, right to a return on accumulated contributions, allowance options, property, or right created by or accrued, accruing or paid to any person pursuant to sections 50.1000 to 50.1300, including any defined contribution account created pursuant to sections 50.1210 to 50.1260 and any deferred compensation plan created pursuant to section 50.1300 shall not be subject to execution, garnishment, attachment, writ of sequestration, the operation of bankruptcy or insolvency laws, a qualified domestic relations order as defined in 26 U.S.C. Section 414(p) or 29 U.S.C. Section 1056(d), or any other domestic relations order or to any other claim or process of law whatsoever except for the collection of child support and maintenance after a member begins receiving payments, and shall be unassignable except as specifically provided in sections 50.1000 to 50.1300.

**56.824. CERTAIN MEMBERS MAY ELECT REDUCED BENEFIT AT AGE SIXTY-TWO. —** Notwithstanding any other provision of law, any person who was a member of the system on August 28, 1989, who had served more than eight years as a prosecuting attorney or circuit attorney may elect to retire at age sixty-two at a reduced retirement benefit in a sum equal to the proportion of the retirement benefit provided in section 56.816 that the person's period of service bears to twelve years.

**67.210. POLITICAL SUBDIVISIONS MAY PROVIDE HEALTH INSURANCE BENEFITS WHEN, TO WHOM. —** Any political subdivision which provides or pays for health insurance benefits for its officers and employees may also provide or pay for all or part of such benefits, as may be determined by the governing body of the political subdivision, for the dependents of its officers and employees, and for retired employees **and their dependents and the dependents of deceased employees** of the political subdivision.

**70.605. MISSOURI LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM CREATED — BOARD OF TRUSTEES, COMPOSITION, TERMS — ANNUAL MEETING — VACANCIES, HOW CREATED — OATH — APPOINTMENT OF ACTUARY, ATTORNEY AND INVESTMENT COUNSELOR — MORTALITY TABLES TO BE ADOPTED — RECORD OF PROCEEDINGS — HEARINGS, NOTICE — SURETY BONDS — ANNUAL AUDITS — EXPENSES OF BOARD — RULES AND REGULATIONS, ADOPTION. —** 1. For the purpose of providing for the retirement or pensioning of the officers and employees and the widows and children of deceased officers and employees of any political subdivision of the state, there is hereby created and established a retirement system which shall be

a body corporate, which shall be under the management of a board of trustees herein described, and shall be known as the "Missouri Local Government Employees' Retirement System". Such system may sue and be sued, transact business, invest funds, and hold cash, securities, and other property. The system shall begin operations on the first day of the calendar month next following sixty days after the date the board of trustees has received certification from ten political subdivisions that they have elected to become employers.

2. The general administration and the responsibility for the proper operation of the system is vested in a board of trustees of seven persons: three persons to be elected as trustees by the members of the system; three persons to be elected trustees by the governing bodies of employers; and one person, to be appointed by the governor, who is not a member, retirant, or beneficiary of the system and who is not a member of the governing body of any political subdivision.

3. Trustees shall be chosen for terms of four years from the first day of January next following their election or appointment, except that of the first board shall all be appointed by the governor by and with the consent of the senate, as follows:

(1) Three persons who are officers or officials of political subdivisions, one for a term of three years, one for a term of two years, and one for a term of one year; and

(2) Three persons who are employees of political subdivisions and who would, if the subdivision by which they are employed becomes an employer, be eligible as members, one for a term of three years, one for a term of two years, and one for a term of one year; and

(3) That person appointed by the governor under the provisions of subsection 2 of this section. All the members of the first board shall take office as soon as appointed by the governor, but their terms shall be computed from the first day of January next following their appointment, and only one member may be from any political subdivision or be a policeman or fireman.

4. Successor trustees elected or appointed as member trustees shall be members of the retirement system; provided, that not more than one member trustee shall be employed by any one employer, and not more than one member trustee shall be a policeman, and not more than one member trustee shall be a fireman.

5. Successor trustees elected as employer trustees shall be elected or appointed officials of employers and shall not be members of the retirement system; provided, that not more than one employer trustee shall be from any one employer.

6. An annual meeting of the retirement system shall be called by the board in the last calendar quarter of each year in Jefferson City, or at such place as the board shall determine, for the purpose of electing trustees and to transact such other business as may be required for the proper operation of the system. Notice of such meeting shall be sent by registered mail to the clerk or secretary of each employer not less than thirty days prior to the date of such meeting. The governing body of each employer shall certify to the board the name of one delegate who shall be an officer of the employer, and the members of the employer shall certify to the board a member of the employer to represent such employer at such meeting. The delegate certified as member delegate shall be elected by secret ballot by the members of such employer, and the clerk or secretary of each employer shall be charged with the duty of conducting such election in a manner which will permit each member to vote in such election. Under

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such rules and regulations as the board shall adopt, approved by the delegates, the member delegates shall elect a member trustee for each such position on the board to be filled, and the officer delegates shall elect an employer trustee for each such position on the board to be filled.

7. In the event any member trustee ceases to be a member of the retirement system, or any employer trustee ceases to be an appointed or elected official of an employer, or becomes a member of the retirement system, or if the trustee appointed by the governor becomes a member of the retirement system or an elected or appointed official of a political subdivision, or if any trustee fails to attend three consecutive meetings of the board, unless in each case excused for cause by the remaining trustees attending such meeting or meetings, he shall be considered as having resigned from the board and the board shall, by resolution, declare his office of trustee vacated. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled; provided, however, that the remaining trustees may fill employer and member trustee vacancies on the board until the next annual meeting.

8. Each trustee shall be commissioned by the governor, and before entering upon the duties of his office, shall take and subscribe to an oath or affirmation to support the Constitution of the United States, and of the state of Missouri, and to demean himself faithfully in his office. Such oath as subscribed to shall be filed in the office of the secretary of state of this state.

9. Each trustee shall be entitled to one vote in the board of trustees. Four votes shall be necessary for a decision by the trustees at any meeting of the board of trustees. Four trustees, of whom at least two shall be member trustees and at least two shall be employer trustees, shall constitute a quorum at any meeting of the board. Unless otherwise expressly provided herein, a meeting need not be called or held to make any decision on a matter before the board. Each member must be sent by the executive secretary, a copy of the matter to be decided with full information from the files of the board. The concurring decisions of four trustees may decide the issue by signing a document declaring their decision and sending the written instrument to the executive secretary, provided that no other trustee shall send a dissenting decision to the executive secretary within fifteen days after the document and information was mailed to him. If any trustee is not in agreement with the four trustees, the matter is to be passed on at a regular board meeting or a special meeting called for that purpose. The board shall hold regular meetings at least once each quarter, the dates of these meetings to be designated in the rules and regulations adopted by the board. Other meetings as deemed necessary may be called by the chairman or by any four trustees acting jointly.

10. The board of trustees shall elect one of their number as chairman, and one of their number as vice chairman, and shall employ an executive secretary, not one of their number, who shall be the executive officer of the board. Other employees of the board shall be chosen only upon the recommendation of the executive secretary.

11. The board shall appoint an actuary or a firm of actuaries as technical advisor to the board on matters regarding the operation of the system on an actuarial basis. The actuary or actuaries shall perform such duties as are required of him or them under sections 70.600 to [70.760] **70.755**, and as are from time to time required by the board.

12. The board may appoint an attorney at law or firm of attorneys at law to be the legal advisor of the board and to represent the board in all legal proceedings.

13. The board may appoint an investment counselor to be the investment advisor of the board.

14. The board shall from time to time, after receiving the advice of its actuary, adopt such mortality and other tables of experience, and a rate or rates of regular interest, as shall be necessary for the actuarial requirements of the system, and shall require its executive secretary to keep in convenient form such data as shall be necessary for actuarial investigations of the experience of the system, and such data as shall be necessary for the annual actuarial valuations of the system.

15. The board shall keep a record of its proceedings, which shall be open to public inspection. It shall prepare annually and render to each employer a report showing the financial condition of the system as of the preceding June thirtieth. The report shall contain, but shall not be limited to, a financial balance sheet; a statement of income and disbursements; a detailed statement of investments acquired and disposed of during the year, together with a detailed statement of the annual rates of investment income from all assets and from each type of investment; an actuarial balance sheet prepared by means of the last valuation of the system, and such other data as the board shall deem necessary or desirable for a proper understanding of the condition of the system.

16. The board of trustees shall, after reasonable notice to all interested parties, **conduct administrative hearings to** hear and decide questions arising from the administration of sections 70.600 to [70.760] **70.755**; except, that **such hearings may be conducted by a hearing officer who shall be appointed by the board. The hearing officer shall preside at the hearing and hear all evidence and rule on the admissibility of evidence. The hearing officer shall make recommended findings of fact and may make recommended conclusions of law to the board. All final orders or determinations or other final actions by the board shall be approved in writing by at least four members of the board. Any board member approving in writing any final order, determination, or other final action, who did not attend the hearing, shall do so only after certifying that he or she reviewed all exhibits and read the entire transcript of the hearing.** Within thirty days after a decision or order **or final action of the board**, any member, retirant, beneficiary or political subdivision adversely affected by that determination or order **or final action** may take an appeal under the provisions of chapter 536, RSMo.

17. The board shall arrange for adequate surety bonds covering the executive secretary and any other custodian of the funds or investments of the board. When approved by the board, said bonds shall be deposited in the office of the secretary of state.

18. The board shall arrange for annual audits of the records and accounts of the system by a certified public accountant or by a firm of certified public accountants. The state auditor shall examine such audits at least once every three years and report to the board and the governor.

19. The headquarters of the retirement system shall be in Jefferson City.

20. The board of trustees shall serve as trustees without compensation for their services as such; except that each trustee shall be paid for any necessary expenses

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incurred in attending meetings of the board or in the performance of other duties authorized by the board.

21. Subject to the limitations of sections 70.600 to [70.760] **70.755**, the board shall formulate and adopt rules and regulations for the government of its own proceedings and for the administration of the retirement system.

**70.655. RETIREMENT BENEFITS — PROGRAM TO BE SELECTED BY GOVERNING BODY — FORMULA FOR COMPUTING BENEFITS — COST-OF-LIVING FACTOR — SUSPENSION OF CERTAIN BENEFITS, WHEN.** — 1. Upon a member's retirement he shall receive an allowance for life in accordance with the applicable benefit program elected by his employer, as follows:

(1) Benefit program L-1. A member with credited service covered by benefit program L-1 shall receive an allowance for life equal to one percent of his final average salary multiplied by his number of years of such credited service.

(2) Benefit program L-3. A member with credited service covered by benefit program L-3 shall receive an allowance for life equal to one and one-quarter percent of his final average salary multiplied by his number of years of such credited service.

(3) Benefit program LT-4. A member with credited service covered by benefit program LT-4 shall receive an allowance for life equal to one percent of his final average salary multiplied by his number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger [(i) than the federal Social Security's minimum age for an immediate retirement benefit and (ii)] than age sixty-two, then such member shall receive a temporary allowance equal to one percent of his final average salary multiplied by his number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the [earliest] **earlier** of the following events occurs: such member's death; [or his attainment of such Social Security minimum age;] or his attainment of age sixty-two.

(4) Benefit program LT-5. A member with credited service covered by benefit program LT-5 shall receive an allowance for life equal to one and one-quarter percent of his final average salary multiplied by his number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger [(i) than the federal Social Security's minimum age for an immediate retirement benefit and (ii)] than age sixty-two, then such member shall receive a temporary allowance equal to three-quarters of one percent of his final average salary multiplied by his number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the [earliest] **earlier** of the following events occurs: such member's death; [or his attainment of such Social Security minimum age;] or his attainment of age sixty-two.

(5) Benefit program L-6. [Benefit program L-6 may cover employment in a position only if such position is not concurrently covered by federal social security; in addition, if such position was previously covered by federal Social Security, benefit program L-6 may cover only employment rendered after cessation of federal Social Security coverage.] A member with credited service covered by benefit program L-6

shall receive an allowance for life equal to two percent of his final average salary multiplied by his number of years of such credited service.

(6) Benefit program L-7. A member with credited service covered by benefit program L-7 shall receive an allowance for life equal to one and one-half percent of his final average salary multiplied by his number of years of such credited service.

(7) Benefit program LT-8. A member with credited service covered by benefit program LT-8 shall receive an allowance for life equal to one and one-half percent of his final average salary multiplied by his number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger [(i) than the federal Social Security's minimum age for an immediate retirement benefit and (ii)] than age sixty-two, then such member shall receive a temporary allowance equal to one-half of one percent of his final average salary multiplied by his number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the [earliest] **earlier** of the following events occurs: such member's death; [or his attainment of such Social Security minimum age;] or his attainment of age sixty-two.

(8) Benefit program LT-4(65). A member with credited service covered by benefit program LT-4(65) shall receive an allowance for life equal to one percent of his final average salary multiplied by his number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-five, then such member shall receive a temporary allowance equal to one percent of his final average salary multiplied by his number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or his attainment of age sixty-five.

(9) Benefit program LT-5(65). A member with credited service covered by benefit program LT-5(65) shall receive an allowance for life equal to one and one-quarter percent of his final average salary multiplied by his number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-five, then such member shall receive a temporary allowance equal to three-quarters of one percent of his final average salary multiplied by his number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or his attainment of age sixty-five.

(10) Benefit program LT-8(65). A member with credited service covered by benefit program LT-8(65) shall receive an allowance for life equal to one and one-half percent of his final average salary multiplied by his number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-five, then such member shall receive a temporary allowance equal to one-half of one percent of his final average salary multiplied by his number of years of such credited service. Such temporary allowance shall terminate at the end of the

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calendar month in which the earlier of the following events occurs: such member's death; or his attainment of age sixty-five.

(11) Benefit program L-9. A member with credited service covered by benefit program L-9 shall receive an allowance for life equal to one and six-tenths percent of his final average salary multiplied by his number of years of such credited service.

(12) Benefit program LT-10(65). A member with credited service covered by benefit program LT-10(65) shall receive an allowance for life equal to one and six-tenths percent of his final average salary multiplied by his number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-five, then such member shall receive a temporary allowance equal to four-tenths of one percent of his final average salary multiplied by his number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or his attainment of age sixty-five.

**(13) Benefit program L-11. Benefit program L-11 may cover employment in a position only if such position is not concurrently covered by federal social security; in addition, if such position was previously covered by federal social security, benefit program L-11 may cover only employment rendered after cessation of federal social security coverage. A member with credited service covered by benefit program L-11 shall receive an allowance for life equal to two and one-half percent of his final average salary multiplied by his number of years of such credited service.**

2. If each portion of a member's credited service is not covered by the same benefit program, then his total allowance for life shall be the total of the allowance for life determined under each applicable benefit program.

3. Each employer shall have the credited service of each of its members covered by benefit program L-1 provided for in this section unless such employer shall have elected another benefit program provided for in this section.

4. Except as otherwise provided in this subsection, each political subdivision, by majority vote of its governing body, may elect from time to time to cover its members, whose political subdivision employment is concurrently covered by federal Social Security, under one of the benefit programs provided for in this section. Each political subdivision, by majority vote of its governing body, may elect from time to time to cover its members, whose political subdivision employment is not concurrently covered by federal Social Security, under one of the benefit programs provided for in this section. The clerk or secretary of the political subdivision shall certify the election of the benefit program to the board within ten days after such vote. The effective date of the political subdivision's benefit program is the first day of the calendar month specified by such governing body, or the first day of the calendar month next following receipt by the board of the certification of election of benefit program, or the effective date of the political subdivision becoming an employer, whichever is the latest. Such election of benefit program may be changed from time to time by such vote, but not more often than biennially. If such changed benefit program provides larger allowances than the benefit program previously in effect, then such larger benefit program shall be applicable to the past and future employment with the

employer by present and future employees. If such changed benefit program provides smaller allowances than the benefit program previously in effect, then such changed benefit program shall be applicable only to credited service for employment rendered from and after the effective date of such change. After August 28, 1994, political subdivisions shall not elect coverage under benefit program LT-4, benefit program LT-5, or benefit program LT-8.

5. Should an employer change its election of benefit program as provided in this section, the employer contributions shall be correspondingly changed effective the same date as the benefit program change.

6. The limitation on increases in an employer's contribution provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer electing a benefit program which provides larger allowances.

7. Subject to the provisions of subsections 9 and 10 of this section, for an allowance becoming effective on September 28, 1975, or later, and beginning with the October first which is at least twelve full months after the effective date of the allowance, the amount of the allowance shall be redetermined effective each October first and such redetermined amount shall be payable for the ensuing year. Subject to the limitations stated in the next sentence, such redetermined amount shall be the amount of the allowance otherwise payable multiplied by the following percent: One hundred percent, plus two percent for each full year (excluding any fraction of a year) in the period from the effective date of the allowance to the current October first. In no event shall such redetermined amount (1) be less than the amount of the allowance otherwise payable nor (2) be more than the amount of the allowance otherwise payable multiplied by the following fraction: The numerator shall be the Consumer Price Index for the month of June immediately preceding such October first (but in no event an amount less than the denominator below) and; the denominator shall be the Consumer Price Index for the month of June immediately preceding the effective date of the allowance. As used herein, "Consumer Price Index" means the Consumer Price Index for Urban Wage Earners and Clerical Workers, as determined by the United States Department of Labor and in effect January 1, 1975; provided, should such Consumer Price Index be restructured subsequent to 1974 in a manner materially changing its character, the board shall change the application of the Consumer Price Index so that as far as is practicable the 1975 intent of the use of the Consumer Price Index shall be continued. As used herein "the amount of the allowance otherwise payable" means the amount of the allowance which would be payable without regard to these provisions redetermining allowance amounts after retirement.

8. Subject to the provisions of subsections 9 and 10 of this section, for an allowance becoming effective on September 28, 1975, or later, the maximum allowance payable under the provisions of section 70.685 [and under the provisions of subsection 6 of section 70.680] shall be redetermined each October first in the same manner as an allowance is redetermined under the provisions of subsection 7 of this section.

9. (1) The system establishes reserves for the payment of future allowances to retirants and beneficiaries. Should the board determine, after consulting with the actuary, that the established reserves are more than sufficient to provide such allowances, the board may increase the annual increase rate provided for in

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subsections 7 and 8 of this section, as it applies to any allowance payable, but in no event shall the total of all redetermined amounts as of October first of any year be greater than one hundred four percent of the allowances which would have been payable that October first without such redeterminations; provided, as of any redetermination date the same annual increase rate shall be applied to all allowances with effective dates in the range of November first to October first of the following year. The board may extend the provisions of subsections 7 and 8 of this section to allowances which became effective before September 28, 1975; provided, such an action by the board shall not increase an employer contribution rate then in effect;

(2) After August 28, 1993, the annual increase rate established by this subsection shall be a compound rate, compounded annually, and the four percent annual maximum rate shall also be a compound rate, compounded annually; provided, the use of such compounding shall not begin until October 1, 1993, and shall not affect redeterminations made prior to that date.

10. Should the board determine that the provisions of subsections 7, 8 and 9 of this section are jeopardizing the financial solvency of the system, the board shall suspend these provisions redetermining allowance amounts after retirement for such periods of time as the board deems appropriate.

**70.661. MEMBER DECEASED BEFORE RETIREMENT, SURVIVING SPOUSE OR DEPENDENT CHILDREN ENTITLED TO BENEFITS, WHEN — DETERMINATION OF ELIGIBILITY.** — 1. If a member with five or more years of credited service dies before retirement while an employee, the [applicable] benefits provided in subsections 2, 3, [and] 4 and 5 of this section shall be paid, [subject to the provisions of section 70.685] as applicable.

2. (1) [His] **The** surviving spouse [with whom he was living and] to whom [he] **the member** was married for not less than two years immediately preceding the time of [his] **the member's** death shall receive an allowance computed in the same manner in all respects as if such member had:

[(1)] (a) Retired **on the first day of the month following** the date of his **or her** death with an allowance for life based upon [his] **the member's** credited service and final average salary to time of death and without reduction if [his] **the member's** age was younger than [his] **the member's** minimum service retirement age;

[(2)] (b) Elected option A provided for in section 70.660; and

[(3)] (c) Nominated such spouse as joint beneficiary under such option. [If such spouse had not attained age forty at the time of the member's death, such spouse allowance shall be payable for the remaining life of such spouse, but in no event for more than one hundred twenty months.]

(2) **If the board finds that the member's death was the result of an accident that did not arise out of and in the course of his or her actual performance of duty as an employee, the requirement that the surviving spouse must have been married to the member for not less than two years immediately preceding the time of the member's death shall not apply.**

3. **If the board finds that the member's death was the natural and proximate result of a personal injury or disease arising out of and in the course of his or her actual performance of duty as an employee, then:**

(1) Other provisions of law to the contrary notwithstanding, for the purpose of computing the amount of the allowance payable under this section and for the purpose of determining eligibility under subsection 1 of this section, credited service shall include the period from the date of the member's death to the date he or she would have attained age sixty, or the date he or she would have acquired five years of credited service, if later; and

(2) In order to be eligible for spouse benefits, the surviving spouse and the deceased member must have been married on the date of the personal injury resulting in the member's death or on the date of onset of the disease resulting in the member's death. In any case of question as to the date of onset of disease resulting in the member's death, the board shall decide the question.

[3.] 4. If a [spouse] benefit is not payable under the provisions of subsection 2 or 3 of this section, or when such [spouse] benefit has ceased to be payable, each dependent child of the deceased member, **if any**, shall receive an allowance of an equal share of sixty percent of an allowance computed in the same manner in all respects as if such **deceased** member had retired **on the first day of the month following** the date of his **or her** death with an allowance for life based upon [his] **the member's** credited service and final average salary to time of death and without reduction if [his] **the member's** age was younger than [his] **the member's** minimum service retirement age. A child shall be a dependent child until [his] **the child's** death or [his] marriage or [his] attainment of age eighteen, whichever occurs first; provided, the age eighteen maximum shall be extended as long as the child continues uninterruptedly being a full-time student at an accredited secondary school or college or university, but in no event beyond [his] attainment of age twenty-three; provided further, the age eighteen maximum shall be extended for any child who has been found totally incapacitated by a court of competent jurisdiction for as long as such incapacity exists. Upon a child ceasing to be a dependent child, his **or her** allowance shall terminate, and there shall be a redetermination of the amounts payable to any remaining dependent children.

[4.] 5. In the event all **of** the allowances provided for in this section, payable on account of the death of a member, terminate before there has been paid an aggregate amount equal to [his] **the** accumulated contributions standing to [his] **the deceased member's** credit in the member's deposit fund at the time of [his] death, the difference between such accumulated contributions and such aggregate amount of allowance payments shall be paid to such person as [he] **the member** shall have nominated by written designation duly executed and filed with the board. If there be no such designated person surviving at termination, such difference shall be paid to the member's estate **or to the estate of the last beneficiary to whom benefits were paid.**

[5. For the purpose of computing the amount of the allowance payable under this section and for the purpose of determining eligibility pursuant to subsection 1 of this section, credited service shall be given for the period from the date of the member's death to the date he would have attained age sixty, if the board finds that the death was the natural and proximate result of a personal injury or disease arising out of and in the course of his actual performance of duty as an employee.]

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**70.675. DEFERRED ALLOWANCE, REQUIREMENTS, OPTION — CONTRIBUTION WITHDRAWAL, EFFECT ON CREDITED SERVICE — DEATH OF FORMER MEMBER PRIOR TO RETIREMENT, ALLOWANCE PAYABLE TO SURVIVING SPOUSE, WHEN. —** 1. Should a member with five or more years of credited service cease to be a member, except by death or retirement, before attaining an age which is within five years of his or her minimum service retirement age, the member shall be entitled to a deferred allowance provided for in this section; provided, if the [retirant] **former member** withdraws [the member's] **his or her** accumulated contributions from the members deposit fund, for purposes of this section there shall be eliminated from credited service any membership service or prior service for which the member was required to make member contributions provided for in subsection 2 of section 70.705. Such deferred allowance shall commence as of the first day of the calendar month next following the later of:

(1) The member's attainment of an age which is within five years of his or her minimum service retirement age; or

(2) The date the member's written application therefor is received by the board, in accordance with the provisions of subsection 2 of this section. The member shall have the right to elect an option provided for in section 70.660 at the time of filing such written application.

2. Except as provided in subsection 5 of this section, a former member otherwise entitled to a deferred allowance shall be entitled to a deferred allowance only if the former member lives to an age which is within five years of his or her minimum service retirement age and if written application therefor is received by the board from the former member not earlier than ninety days before his or her attainment of such age. If such former member does not live to retirement or in the event the former member becomes employed in a position covered by the system before becoming a retirant or in the event such written application is not received by the board within the time limits specified, no benefits whatsoever shall be paid pursuant to the provisions of this section, except as provided in subsection 5 of this section.

3. A former member otherwise entitled to a deferred allowance shall be considered a member only for the purposes of subsection 4 of section 70.725.

4. If the deferred allowance commences prior to the date the former member reaches his or her minimum service retirement age, the allowance shall be a certain percent of the allowance otherwise provided for in this section. Such percent shall be one hundred percent reduced by one-half of one percent multiplied by the number of months by which the former member's age at the date the allowance commences is younger than the former member's minimum service retirement age.

5. If a former member who: (1) is entitled to a deferred allowance pursuant to this section; and (2) does not receive a lump sum payment as provided in section 70.676, dies before his or her date of retirement, the applicable benefits, if any, provided in this subsection shall be paid. The former member's surviving spouse, if any, [with whom the former member was living and] to whom the former member was married for not less than two years immediately preceding the date of the former member's death shall receive an allowance computed in the same manner in all respects as if such former member had:

(1) Survived to the first day of the calendar month next following the day the former member would have attained his or her minimum service retirement age or if later, the first day of the calendar month next following the date of the former member's death;

(2) Retired on such day with an allowance for life based on his or her credited service and final average salary at the time of termination of membership;

(3) Elected option A provided for in section 70.660;

(4) Nominated such spouse as joint beneficiary under such option; and

(5) Died on such day after electing such option A.

The allowance payable to the surviving spouse shall commence as of the first day of the calendar month next following the day the former member would have attained his or her minimum service retirement age or, if later, the first day of the calendar month next following the date of the former member's death. [If such spouse had not attained age forty at the time of the former member's death, such spouse allowance shall commence on the date specified in this subsection and shall be payable for the remaining life of such spouse, but in no event for more than one hundred twenty months.] This subsection shall apply to any person who is a former member on or after August 28, 1998.

**70.680. DISABILITY RETIREMENT — MEDICAL EXAMINATIONS REQUIRED, WHEN — OPTION.** — 1. Any member in service with five or more years of credited service who has not attained the age and service requirements of section 70.645 and who becomes totally and permanently physically or mentally incapacitated for his duty as an employee, as the result of a personal injury or disease, may be retired by the board upon written application filed with the board by or on behalf of the member; provided, that after a medical examination of such member made by or under the direction of a medical committee consisting of three physicians, one of whom shall be selected by the board, one by or on behalf of such member, and the third by the first two physicians so named, the medical committee reports to the board, by majority opinion in writing, that such member is physically or mentally totally incapacitated for the further performance of duty, that such incapacity will probably be permanent and that such member should be retired.

2. Upon disability retirement, as provided in subsection 1 of this section, a member shall receive an allowance for life provided for in section 70.655 and shall have the right to elect an option provided for in section 70.660. His **or her** disability retirement and allowance shall be subject to the provisions of [subsections 5 and 6] **subsection 5** of this section and to the provisions of section 70.685.

3. Any member in service who becomes totally and permanently physically or mentally incapacitated for his duty as an employee, as the natural and proximate result of a personal injury or disease which the board finds to have arisen out of and in the course of his actual performance of duty as an employee, may be retired by the board upon written application filed with the board by or on behalf of the member; provided, that after a medical examination of such member made by or under the direction of a medical committee consisting of three physicians, one of whom shall be selected by the board, one by or on behalf of such member, and the third by the first two physicians so named, the medical committee reports to the board, by majority opinion

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in writing, that such member is physically or mentally totally incapacitated for the further performance of duty, that such incapacity will probably be permanent, and that such member should be retired.

4. Upon disability retirement as provided in subsection 3 of this section, a member shall receive an allowance for life provided for in section 70.655; provided, that for the sole purpose of computing the amount of such allowance, he **or she** shall be given credited service for the period from the date of his **or her** disability retirement to the date he **or she** would attain age sixty. He **or she** shall have the right to elect an option provided for in section 70.660. His **or her** disability retirement and allowance shall be subject to the provisions of [subsections 5 and 6] **subsection 5** of this section and to the provisions of section 70.685.

5. At least once each year during the first five years following a member's retirement on account of disability, and at least once in each three-year period thereafter, the board shall require any disability retirant who has not attained his minimum service retirement age to undergo a medical examination to be made by a physician designated by the board. If the retirant refuses to submit to medical examination in any such period, his disability allowance shall be suspended by the board until his withdrawal of such refusal. If such refusal continues for one year, all his rights in and to a disability allowance shall be revoked by the board. If, upon medical examination of the retirant, the physician reports to the board that the retirant is physically and mentally able and capable of resuming his duty as an employee in the position held by him at the time of his disability retirement, then the board shall, if demanded by the retirant, arrange a further medical examination of such member made by or under the direction of a medical committee consisting of three physicians, one of whom shall be selected by the board, one by or on behalf of the member, and the third by the first two physicians named. Should the medical committee concur, by majority opinion in writing to the board, the disability retirant is capable of resumption of duty, his disability retirement shall terminate and he shall be returned to duty and he shall immediately again become a member of the system, his credited service at the time of disability retirement shall be restored to his credit, and the amount of his accumulated contributions at the time of his disability retirement shall be restored to his credit in the members deposit fund. If he was in receipt of a duty disability allowance provided for in subsection 3 of this section, he shall also be given service credit for the period he was in receipt of the duty disability allowance.

[6. Should a disability retirant who has not attained his minimum service retirement age receive remuneration for his personal services rendered in any gainful occupation, then in no event shall the amount of his disability allowance exceed the difference between his final average salary and the total of the following amounts:

- (1) Such remuneration; and
- (2) The benefit, if any, payable from the federal Social Security Old Age, Survivors, and Disability Insurance Program on account of his disability.]

**70.685. MAXIMUM DISABILITY BENEFIT, EFFECT OF OTHER BENEFITS OR REMUNERATION RECEIVED BY RETIRANT. — 1.** If [a death allowance is payable under the provisions of section 70.661, or if] a disability allowance is payable under the provisions of section 70.680, and if the [beneficiary or] retirant is also receiving

workers' compensation **benefits** under any workers' compensation or similar law on account of the same [death or] disability, **or if the retirant is receiving remuneration for his or her personal services rendered in any gainful occupation or employment**, then in no event shall the amount of the system allowance payable until the member would have attained his minimum service retirement age exceed the difference between the member's final [average] **monthly** salary and the total of the following amounts:

- (1) The **monthly** workers' compensation **benefit, if any**; and
- (2) The **monthly** benefit, if any, payable from the federal social security old age, survivors, and disability insurance program on account of the same [death or] disability; and
- (3) The portion of any **monthly** remuneration received by [such beneficiary] **the retirant for personal services rendered in any gainful occupation or employment** which is more than the amount of such **monthly** remuneration being received [by such person] at the time of the member's separation from service [or that portion received by such retirant for personal services rendered by him in any gainful occupation].

**2. For purposes of this section, the member's final monthly salary shall mean the monthly average of compensation paid to the member during the most recent calendar year preceding the member's separation from service.**

**3. For purposes of this section, the "monthly remuneration being received at the time of the member's separation from service" shall mean one-twelfth of the member's remuneration for personal services rendered in any gainful occupation or employment not covered by the system during the most recent calendar year preceding the member's separation from service.**

**84.160. ANNUAL SALARY TABLES — OVERTIME, HOW COMPENSATED — OTHER EMPLOYMENT BENEFITS — UNUSED VACATION, COMPENSATION FOR CERTAIN OFFICERS. — 1.** Based upon rank and length of service, the board of police commissioners may authorize maximum amounts of compensation for members of the police force in accordance with the following tables. **The amounts of compensation set out in the following tables shall be the maximum amount of compensation payable to commissioned employees in each of the categories, except as expressly provided in this section.**

**2.** [From July 1, 1998, until June 30, 1999:

**TURNKEY THROUGH CHIEF OF POLICE - FISCAL YEAR**

|      |        |        |        |        |        |        |         | Asst.  |        |
|------|--------|--------|--------|--------|--------|--------|---------|--------|--------|
|      | Tky.   | P.O.   | Sgt.   | Lieut. | Capt.  | Maj.   | Lt.Col. | Chief  | Chief  |
| Yrs. | Salary | Salary | Salary | Salary | Salary | Salary | Salary  | Salary | Salary |
| 0    | 25085  | 29092  |        |        |        |        |         |        |        |
| 1    | 25425  | 30202  |        |        |        |        |         |        |        |
| 2    | 25764  | 31229  |        |        |        |        |         |        |        |
| 3    | 26103  | 33135  |        |        |        |        |         |        |        |
| 4    | 26442  | 34079  |        |        |        |        |         |        |        |
| 5    | 26782  | 35304  | 43059  |        |        |        |         |        |        |
| 6    | 27088  | 36529  | 43194  |        |        |        |         |        |        |
| 7    | 29036  | 38880  | 45928  | 50619  |        |        |         |        |        |

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|    |       |       |       |       |       |       |       |       |       |
|----|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 8  | 29935 | 39787 | 46975 | 51757 |       |       |       |       |       |
| 9  | 30499 | 39934 | 47120 | 51902 | 56640 |       |       |       |       |
| 10 | 30682 | 40081 | 47266 | 52048 | 56786 |       |       |       |       |
| 11 | 30865 | 40542 | 47412 | 52193 | 56933 | 62376 |       |       |       |
| 12 | 31049 | 40695 | 47557 | 52340 | 57078 | 62522 | 64215 | 67624 | 80415 |
| 13 | 31232 | 40840 | 47704 | 52486 | 57225 | 62666 | 66434 | 69843 | 80706 |
| 14 | 31416 | 40985 | 47850 | 52631 | 57370 | 62813 | 66579 | 69989 | 80997 |
| 15 | 31599 | 41132 | 47995 | 52777 | 57515 | 62958 | 66726 | 70136 | 81288 |
| 16 | 31783 | 41277 | 48141 | 52922 | 57661 | 63105 | 66871 | 70280 | 81580 |
| 17 | 31966 | 41424 | 48287 | 53069 | 57807 | 63251 | 67018 | 70427 | 81872 |
| 18 | 32151 | 41569 | 48433 | 53215 | 58014 | 63395 | 67162 | 70572 | 82162 |
| 19 | 32333 | 41714 | 48578 | 53361 | 58099 | 63542 | 67308 | 70717 | 82455 |
| 20 | 32517 | 41860 | 48724 | 53506 | 58244 | 63688 | 67454 | 70865 | 82747 |
| 21 | 32700 | 42006 | 48869 | 53652 | 58390 | 63834 | 67600 | 71009 | 83038 |
| 22 | 32884 | 42152 | 49016 | 53798 | 58536 | 63979 | 67747 | 71156 | 83329 |
| 23 | 33067 | 42298 | 49162 | 53944 | 58682 | 64124 | 67891 | 71301 | 83621 |
| 24 | 33251 | 42443 | 49307 | 54090 | 58828 | 64270 | 68039 | 71447 | 83911 |
| 25 | 33434 | 42589 | 49453 | 54235 | 58974 | 64417 | 68183 | 71594 | 84204 |
| 26 | 33618 | 42735 | 49598 | 54381 | 59120 | 64563 | 68329 | 71738 | 84496 |
| 27 | 33801 | 42882 | 49745 | 54527 | 59265 | 64708 | 68476 | 71885 | 84788 |
| 28 | 33985 | 43027 | 49891 | 54673 | 59411 | 64853 | 68620 | 72029 | 85079 |
| 29 | 34167 | 43172 | 50036 | 54817 | 59557 | 65000 | 68768 | 72176 | 85369 |
| 30 | 34351 | 43318 | 50182 | 54964 | 59701 | 65146 | 68912 | 72323 | 85662 |

3. From July 1, 1999, until June 30, 2000:

|      | Tky.   | P.O.   | Sgt.   | Lieut. | Capt.  | Maj.   | Lt.Col. | Asst.<br>Chief | Chief  |
|------|--------|--------|--------|--------|--------|--------|---------|----------------|--------|
| Yrs. | Salary | Salary | Salary | Salary | Salary | Salary | Salary  | Salary         | Salary |
| 0    | 25587  | 29674  |        |        |        |        |         |                |        |
| 1    | 25933  | 30806  |        |        |        |        |         |                |        |
| 2    | 26279  | 31854  |        |        |        |        |         |                |        |
| 3    | 26625  | 33797  |        |        |        |        |         |                |        |
| 4    | 26971  | 34761  |        |        |        |        |         |                |        |
| 5    | 27318  | 36010  | 43920  |        |        |        |         |                |        |
| 6    | 27630  | 37260  | 44058  |        |        |        |         |                |        |
| 7    | 29617  | 39658  | 46846  | 51631  |        |        |         |                |        |
| 8    | 31133  | 41379  | 48854  | 53827  |        |        |         |                |        |
| 9    | 31719  | 41531  | 49005  | 53978  | 58906  |        |         |                |        |
| 10   | 31909  | 41684  | 49157  | 54130  | 59058  |        |         |                |        |
| 11   | 32100  | 42164  | 49308  | 54281  | 59210  | 64871  |         |                |        |
| 12   | 32291  | 42323  | 49459  | 54434  | 59361  | 65023  | 66783   | 70329          | 83631  |
| 13   | 32482  | 42473  | 49612  | 54585  | 59514  | 65173  | 69092   | 72637          | 83934  |
| 14   | 32673  | 42625  | 49764  | 54737  | 59664  | 65325  | 69242   | 72788          | 84237  |
| 15   | 32863  | 42777  | 49915  | 54888  | 59816  | 65477  | 69395   | 72941          | 84540  |
| 16   | 33055  | 42928  | 50066  | 55039  | 59967  | 65629  | 69546   | 73091          | 84843  |
| 17   | 33245  | 43081  | 50219  | 55192  | 60120  | 65781  | 69698   | 73244          | 85147  |

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|    |       |       |       |       |       |       |       |       |       |
|----|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 18 | 33437 | 43232 | 50370 | 55343 | 60335 | 65931 | 69849 | 73395 | 85449 |
| 19 | 33626 | 43383 | 50522 | 55496 | 60423 | 66084 | 70000 | 73546 | 85754 |
| 20 | 33817 | 43534 | 50673 | 55646 | 60574 | 66235 | 70153 | 73699 | 86056 |
| 21 | 34008 | 43686 | 50823 | 55798 | 60725 | 66388 | 70304 | 73849 | 86359 |
| 22 | 34199 | 43838 | 50977 | 55950 | 60878 | 66538 | 70457 | 74002 | 86662 |
| 23 | 34389 | 43990 | 51128 | 56102 | 61029 | 66689 | 70607 | 74153 | 86966 |
| 24 | 34581 | 44141 | 51280 | 56254 | 61181 | 66841 | 70760 | 74305 | 87268 |
| 25 | 34771 | 44293 | 51431 | 56404 | 61333 | 66993 | 70911 | 74457 | 87572 |
| 26 | 34963 | 44444 | 51582 | 56556 | 61485 | 67146 | 71062 | 74608 | 87876 |
| 27 | 35153 | 44598 | 51735 | 56708 | 61636 | 67296 | 71215 | 74760 | 88180 |
| 28 | 35345 | 44748 | 51887 | 56860 | 61787 | 67447 | 71365 | 74911 | 88482 |
| 29 | 35534 | 44899 | 52038 | 57010 | 61939 | 67600 | 71519 | 75063 | 88784 |
| 30 | 35725 | 45051 | 52189 | 57163 | 62089 | 67751 | 71669 | 75216 | 89088 |

4.] From July 1, 2000, to June 30, 2001:

**SALARY MATRIX - POLICE OFFICER THROUGH CHIEF OF POLICE -  
FISCAL YEAR**

|      | P.O.   | Sgt.   | Lieut. | Capt.  | Maj.   | Lt. Col. | Asst.<br>Chief | Chief  |
|------|--------|--------|--------|--------|--------|----------|----------------|--------|
| Yrs. | Salary | Salary | Salary | Salary | Salary | Salary   | Salary         | Salary |
| 0    | 30564  |        |        |        |        |          |                |        |
| 1    | 31730  |        |        |        |        |          |                |        |
| 2    | 32809  |        |        |        |        |          |                |        |
| 3    | 34812  |        |        |        |        |          |                |        |
| 4    | 35803  |        |        |        |        |          |                |        |
| 5    | 37090  | 45238  |        |        |        |          |                |        |
| 6    | 38377  | 45380  |        |        |        |          |                |        |
| 7    | 40847  | 48252  | 53180  |        |        |          |                |        |
| 8    | 42620  | 50320  | 55442  |        |        |          |                |        |
| 9    | 43608  | 51455  | 56677  | 61851  |        |          |                |        |
| 10   | 43768  | 51615  | 56837  | 62011  |        |          |                |        |
| 11   | 44272  | 51773  | 56995  | 62171  | 68115  |          |                |        |
| 12   | 44439  | 51932  | 57156  | 62329  | 68274  | 70122    | 73845          | 87813  |
| 13   | 44597  | 52093  | 57314  | 62490  | 68432  | 72547    | 76269          | 88131  |
| 14   | 44756  | 52252  | 57474  | 62647  | 68591  | 72704    | 76427          | 88449  |
| 15   | 44916  | 52411  | 57632  | 62807  | 68751  | 72865    | 76588          | 88767  |
| 16   | 45074  | 52569  | 57791  | 62965  | 68910  | 73023    | 76746          | 89085  |
| 17   | 45235  | 52730  | 57952  | 63126  | 69070  | 73183    | 76906          | 89404  |
| 18   | 45394  | 52889  | 58110  | 63352  | 69228  | 73341    | 77065          | 89721  |
| 19   | 45552  | 53048  | 58271  | 63444  | 69388  | 73500    | 77223          | 90042  |
| 20   | 45711  | 53207  | 58428  | 63603  | 69547  | 73661    | 77384          | 90359  |
| 21   | 45870  | 53364  | 58588  | 63761  | 69707  | 73819    | 77541          | 90677  |
| 22   | 46030  | 53526  | 58748  | 63922  | 69865  | 73980    | 77702          | 90995  |
| 23   | 46190  | 53684  | 58907  | 64080  | 70023  | 74137    | 77861          | 91314  |
| 24   | 46348  | 53844  | 59067  | 64240  | 70183  | 74298    | 78020          | 91631  |
| 25   | 46508  | 54003  | 59224  | 64400  | 70343  | 74457    | 78180          | 91951  |

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|    |       |       |       |       |       |       |       |       |
|----|-------|-------|-------|-------|-------|-------|-------|-------|
| 26 | 46666 | 54161 | 59384 | 64559 | 70503 | 74615 | 78338 | 92270 |
| 27 | 46828 | 54322 | 59543 | 64718 | 70661 | 74776 | 78498 | 92589 |
| 28 | 46985 | 54481 | 59703 | 64876 | 70819 | 74933 | 78657 | 92906 |
| 29 | 47144 | 54640 | 59861 | 65036 | 70980 | 75095 | 78816 | 93223 |
| 30 | 47304 | 54798 | 60021 | 65193 | 71139 | 75252 | 78977 | 93542 |

3. From July 1, 2001, until June 30, 2002:

**SALARY MATRIX - POLICE OFFICER THROUGH CHIEF OF POLICE -  
FISCAL YEAR**

|      |        |        |        |        |        |          | Asst.  |        |
|------|--------|--------|--------|--------|--------|----------|--------|--------|
|      | P.O.   | Sgt.   | Lieut. | Capt.  | Maj.   | Lt. Col. | Chief  | Chief  |
| Yrs. | Salary | Salary | Salary | Salary | Salary | Salary   | Salary | Salary |
| 0    | 31481  |        |        |        |        |          |        |        |
| 1    | 32682  |        |        |        |        |          |        |        |
| 2    | 33793  |        |        |        |        |          |        |        |
| 3    | 35856  |        |        |        |        |          |        |        |
| 4    | 36877  |        |        |        |        |          |        |        |
| 5    | 38203  | 46595  |        |        |        |          |        |        |
| 6    | 39529  | 46741  |        |        |        |          |        |        |
| 7    | 42073  | 49700  | 54776  |        |        |          |        |        |
| 8    | 43898  | 51829  | 57105  |        |        |          |        |        |
| 9    | 45788  | 54028  | 59511  | 64943  |        |          |        |        |
| 10   | 45957  | 54195  | 59678  | 65111  |        |          |        |        |
| 11   | 46485  | 54363  | 59844  | 65279  | 71520  |          |        |        |
| 12   | 46661  | 54529  | 60013  | 65446  | 71688  | 73629    | 77538  | 92204  |
| 13   | 46827  | 54697  | 60180  | 65614  | 71853  | 76173    | 80082  | 92537  |
| 14   | 46993  | 54865  | 60347  | 65780  | 72021  | 76339    | 80249  | 92871  |
| 15   | 47162  | 55031  | 60514  | 65947  | 72188  | 76508    | 80418  | 93205  |
| 16   | 47328  | 55198  | 60680  | 66114  | 72356  | 76674    | 80583  | 93540  |
| 17   | 47497  | 55366  | 60849  | 66282  | 72524  | 76843    | 80752  | 93874  |
| 18   | 47663  | 55533  | 61016  | 66519  | 72689  | 77008    | 80918  | 94207  |
| 19   | 47829  | 55700  | 61184  | 66616  | 72857  | 77175    | 81084  | 94543  |
| 20   | 47997  | 55867  | 61350  | 66783  | 73025  | 77343    | 81254  | 94878  |
| 21   | 48164  | 56033  | 61517  | 66950  | 73192  | 77510    | 81419  | 95211  |
| 22   | 48331  | 56202  | 61685  | 67117  | 73358  | 77679    | 81587  | 95545  |
| 23   | 48499  | 56369  | 61852  | 67285  | 73525  | 77844    | 81754  | 95880  |
| 24   | 48665  | 56535  | 62020  | 67452  | 73692  | 78014    | 81921  | 96212  |
| 25   | 48833  | 56703  | 62186  | 67620  | 73861  | 78179    | 82090  | 96548  |
| 26   | 49000  | 56869  | 62353  | 67787  | 74028  | 78346    | 82255  | 96883  |
| 27   | 49169  | 57038  | 62521  | 67953  | 74194  | 78515    | 82423  | 97218  |
| 28   | 49335  | 57205  | 62688  | 68121  | 74360  | 78680    | 82588  | 97552  |
| 29   | 49501  | 57371  | 62853  | 68288  | 74529  | 78849    | 82757  | 97884  |
| 30   | 49668  | 57539  | 63022  | 68453  | 74696  | 79014    | 82926  | 98220  |

4. Each of the above-mentioned salaries shall be payable in biweekly installments. Each officer of police and patrolman whose regular assignment requires nonuniformed attire may receive, in addition to his **or her** salary, an allowance not to

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exceed three hundred sixty dollars per annum payable biweekly. No additional compensation or compensatory time off for overtime, court time, or standby court time shall be paid or allowed to any officer of the rank of sergeant or above. **Notwithstanding any other provision of law to the contrary, nothing in this section shall prohibit the payment of additional compensation pursuant to this subsection to officers of the ranks of sergeants and above, provided that funding for such compensation shall not:**

**(1) Be paid from the general funds of either the city or the board of police commissioners of the city; or**

**(2) Be violative of any federal law or other state law.**

5. It is the duty of the municipal assembly or common council of the cities to make the necessary appropriation for the expenses of the maintenance of the police force in the manner herein and hereafter provided; provided, that in no event shall such municipal assembly or common council be required to appropriate for such purposes (including, but not limited to, costs of funding pensions or retirement plans) for any fiscal year a sum in excess of any limitation imposed by article X, section 21, Missouri Constitution; and provided further, that such municipal assembly or common council may appropriate a sum in excess of such limitation for any fiscal year by an appropriations ordinance enacted in conformity with the provisions of the charter of such cities.

6. The board of police commissioners shall pay additional compensation for all hours of service rendered by [turnkeys,] probationary patrolmen and patrolmen in excess of the established regular working period, and the rate of compensation shall be one and one-half times the regular hourly rate of pay to which each member shall normally be entitled; except that, the court time and court standby time shall be paid at the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given or deductions made from payments for overtime for the purpose of retirement benefits.

7. [Turnkeys,] Probationary patrolmen and patrolmen shall receive additional compensation for authorized overtime, court time and court standby time whenever the total accumulated time exceeds forty hours. The accumulated forty hours shall be taken as compensatory time off at the officer's discretion with the approval of his supervisor.

8. The allowance of compensation or compensatory time off for court standby time shall be computed at the rate of one-third of one hour for each hour spent on court standby time.

9. The board of police commissioners may effect programs to provide additional compensation to its employees for successful completion of academic work at an accredited college or university, in amounts not to exceed ten percent of their yearly salaries or for extra training and lead officer responsibilities in amounts not to exceed three percent of their yearly salaries for field training officer responsibilities and an additional three percent of their yearly salaries for lead officer responsibilities. The board may designate up to one hundred fifty employees as field training officers and up to fifty employees as lead officers.

10. The board of police commissioners:

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(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical and disability coverage for officers and employees of the department;

(2) Shall provide or contract for insurance coverage providing salary continuation coverage for officers and employees of the police department;

(3) Shall provide health, medical, and life insurance coverage for retired officers and employees of the police department;

(4) May pay an additional shift differential compensation to members of the police force for evening and night tour of duty in amount not to exceed ten percent of the officer's base hourly rate.

11. The board of police commissioners shall pay additional compensation to members of the police force up to and including the rank of police officer for any full hour worked between the hours of 11:00 p.m. and 7:00 a.m., in amounts equal to five percent of the officer's base hourly pay.

12. The board of police commissioners, from time to time and in its discretion, may pay additional compensation to police officers, sergeants and lieutenants by paying commissioned officers in the aforesaid ranks for accumulated, unused vacation time. Any such payments shall be made in increments of not less than forty hours, and at rates equivalent to the base straight-time rates being earned by said officers at the time of payment; except that, no such officer shall be required to accept payment for accumulated unused vacation time.

**13. For each fiscal year between July 1, 2000, and June 30, 2002, the board of police commissioners may provide a salary increase for commissioned employees of years 0-8 in an amount in excess of the maximum amounts set out in the tables in subsections 2 and 3 of this section, provided that the amount actually paid pursuant to this section shall not exceed three percent of the amount set out for the appropriate category in such tables.**

**14. For each fiscal year between July 1, 2000, and June 30, 2002, the board of police commissioners may provide a salary increase for commissioned employees of years 9-30 in an amount in excess of the maximum amounts set out in the tables in subsections 2 and 3 of this section, provided that the amount actually paid pursuant to this section shall not exceed one percent of the amount set out for the appropriate category in such tables.**

**86.200. DEFINITIONS.** — [1.] The following words and phrases as used in sections 86.200 to [86.363] **86.366**, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member and credited to the member's individual account [in the members' savings fund], together with [regular] **members'** interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables **and interest assumptions** adopted by the board of trustees [and regular interest];

(3) "Average final compensation", the average earnable compensation of the member during the member's last three years of **creditable** service as a policeman, or

if the member has had less than three years of **creditable** service, then the average earnable compensation of the member's entire period of **creditable** service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) ["Benefit reserve", the present value of all payments to be made on account of any retirement allowance or benefit in lieu of a retirement allowance granted under the provisions of sections 86.200 to 86.363 upon the basis of such mortality tables as shall be adopted by the board of trustees and regular interest;

(6)] "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

[(7)] (6) "Board of trustees", the board provided in sections 86.200 to [86.363] **86.366** to administer the retirement system;

[(8)] (7) "Creditable service", prior service plus membership service as provided in sections 86.200 to [86.363] **86.366**;

[(9)] (8) "DROP", the deferred retirement option plan provided for in section 86.251;

[(10)] (9) "Earnable compensation", the [regular compensation] **annual salary** which a member would earn during one year on the basis of the [stated compensation for the] member's rank or position[: except that] **as specified in the applicable salary matrix in section 84.160, RSMo, plus additional compensation for academic work as provided in subsection 9 of section 84.160, RSMo, plus shift differential as provided in subdivision (4) of subsection 10 of section 84.160, RSMo. Such amount shall be determined without regard to the member's deferrals to a deferred compensation plan pursuant to section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to section 125 of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing,** the earnable compensation taken into account under the plan established pursuant to sections 86.200 to [86.363] **86.366** with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. If a member who is a noneligible participant is a highly compensated employee, as defined in section 414(q) of the Internal Revenue Code, and one of the ten persons paid the highest compensation by the employer for the plan year, the aggregate earnable compensation of the member's family members who are members, including only the member's spouse and lineal descendants who have not reached the age of nineteen years, shall not exceed the compensation limit of section 401(a)(17) of the Internal Revenue Code. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

(a) The last day of the plan year that includes [the] August 28, 1995; or

(b) December 31, 1995;

[(11)] (10) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

[(12)] **(11)** "Medical board", the board of physicians provided for in [sections 86.200 to 86.363] **section 86.237**;

[(13)] **(12)** "Member", a member of the retirement system as defined by sections 86.200 to [86.363] **86.366**;

[(14)] **(13)** "Membership service", service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case "membership service" means service as a policeman rendered since last becoming a member prior to entering such armed service;

[(15)] **(14)** "Plan year" or "limitation year", the twelve consecutive month period beginning each October first and ending each September thirtieth;

[(16)] **(15)** "Policeman" or "**police officer**", any [officer or employee of the police department of such cities employed by the board of police commissioners of such cities for police duty, and includes turnkeys, probationary patrolmen, patrolmen, corporals, sergeants, lieutenants, drill masters, captains, senior officers, and detectives, but does not include any police commissioner or anyone employed in a clerical or other capacity not involving police duties. In case of doubt as to whether any person is a policeman within the meaning of sections 86.200 to 86.363, the decision of the board of trustees shall be final] **member of the police force of such cities who holds a rank in such police force for which the annual salary is listed in section 84.160, RSMo**;

[(17)] **(16)** "Prior service", all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to [86.363] **86.366**;

[(18)] **(17)** "[Regular] **Members'** interest", interest **on accumulated contributions** at such rate as may be set from time to time by the board of trustees;

[(19)] **(18)** "Retirement allowance", annual payments for life as provided by sections 86.200 to [86.363] **86.366** which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon retirement;

[(20)] **(19)** "Retirement system", the police retirement system of the cities as defined in sections 86.200 to [86.363] **86.366**;

[(21)] **(20)** "[Widow] **Surviving Spouse**", [unless the provisions of subsection 2 of this section apply, effective September 29, 1981, the term "widow" means] the surviving spouse of a member who was the member's spouse at the time of the member's death.

[2. In lieu of the definition of "widow" provided in subsection 1 of this section, upon the issuance of an opinion by the Missouri supreme court which would result in the state of Missouri being obligated or required to pay any additional benefits or compensation owed by any city as a result of the change made in such definition by the general assembly, even though such benefits or compensation are formally approved or authorized by the appropriate body of any city governed by sections 86.200 to 86.363, the term "widow" means the surviving spouse of a member who was the member's spouse at the time of the member's retirement or at the time of the member's death if the member dies before retirement; except that, effective January 1, 1982, "widow" means the surviving spouse, whether widow or widower, of a member

who was the member's spouse at the time of the member's retirement or at the time of the member's death if the member dies before retirement.]

**86.203. ESTABLISHMENT OF SYSTEM — NAME — EFFECTIVE DATE.** — In [all cities of this state that now have or may hereafter attain a population of seven hundred thousand inhabitants or more, there are] **any city not within a county, there is** hereby created and established retirement systems as alternative systems to those which have been established under the provisions of sections 86.010 to 86.193. Each such system shall be under the management of a board of trustees hereinafter described and shall be known as "The Police Retirement System of (name of city)" and by such name all of its business shall be transacted, all of its funds invested and all of its cash and securities and other property held. The retirement systems so created shall begin operation as of the first day of October, 1957.

**86.207. MEMBERS OF SYSTEM, WHO ARE.** — 1. All persons who become policemen and all policemen who enter or reenter the service of the city after the first day of October, 1957, become members as a condition of their employment and shall receive no pensions or retirement allowance from any other pension or retirement system supported wholly or in part by the city or the state of Missouri, nor shall they be required to make contributions under any other pension or retirement system of the city or the state of Missouri, anything to the contrary notwithstanding.

2. [All policemen in service on the first day of October, 1957, become members of the retirement system as of that date unless prior thereto any policeman files with the board of trustees, on a form prescribed by such board, a notice of his election not to become a member of the retirement system and a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his participation in the retirement system.

3. Any policeman whose membership is contingent on his own election and who elects not to become a member may thereafter revoke his election and become a member, but with no credit for service prior to date of revocation, unless payment is made for adjustment in contributions retroactively to October 1, 1957, with interest thereon.

4.] If any member ceases to be in service for more than one year unless [he] **the member** has **attained the age of fifty-five or has** twenty years or more of creditable service, or if [he] **the member** withdraws [his] **the member's** accumulated contributions or if [he] **the member** receives benefits under the retirement system or dies, [he] **the member** thereupon ceases to be a member; except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman. **A member who is receiving retirement benefits under the system shall be considered a retired member.**

**86.210. SERVICE CREDITABLE.** — 1. Under such rules and regulations as the board of trustees shall adopt, each member who was a policeman on and prior to the date the retirement system becomes operative and who becomes a member within one year from such date and each member who was a policeman prior to reentering the service of the city as a policeman, shall file a detailed statement of all service as a

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policeman rendered by [him] **the member** prior to the date the retirement system becomes operative or prior to the date of [his] last becoming a member, for which [he] **the member** claims credit. If such member has withdrawn [his] **the member's** accumulated contributions prior to reentering said service, then [he] **the member** shall repay all such accumulated contributions plus the applicable [regular] **members'** interest thereon from the date of withdrawal to the date of repayment in order to receive credit for such prior service.

2. The board of trustees shall fix and determine by proper rules and regulations how much service in any year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the board of trustees allow credit as service for any period of more than one month's duration during which the member was absent without pay.

3. Subject to the above restrictions and to such other rules and regulations as the board of trustees may adopt, the board of trustees shall verify the service claims as soon as practicable after the filing of such statement of service.

4. Upon verification of the statements of service the board of trustees shall issue prior service certificates, certifying to each member the length of prior service with which [he] **the member** is credited on the basis of [his] **such member's** statement of service. So long as the holder of such a certificate continues to be a member, a prior service certificate shall be final and conclusive for retirement purposes as to such service; provided, however, that any member may, within one year from the date of issuance or modification of such certificate, request the board of trustees to modify or correct [his] **such** prior service certificate. When any policeman ceases to be a member, [his] **the former member's** prior service certificate shall become void. Should [he] **the former member** again become a member, [he] **the former member** shall enter the retirement system as a member not entitled to prior service credit except as provided in sections 86.200 to [86.363] **86.366**.

5. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by [him] **the member** since [he] last [became] **becoming** a member and also if [he] **the member** has a prior service certificate which is in full force and effect, the amount of the service [certificate] **certified** on [his] **such** prior service certificate.

**86.213. BOARD OF TRUSTEES TO ADMINISTER — MEMBERS OF BOARD, SELECTION — TERMS.** — 1. The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of sections 86.200 to [86.363] **86.366** are hereby vested in a board of trustees of ten persons. The board shall be constituted as follows:

(1) The president of the board of police commissioners of the city, ex officio. If the president is absent from any meeting of the board of trustees for any cause whatsoever, [he] **the president** may be represented by any member of the board of police commissioners who in such case shall have full power to act as a member of the board of trustees;

(2) The comptroller of the city, ex officio. If the comptroller is absent from any meeting of the board of trustees for any cause whatsoever, [he] **the comptroller** may

be represented by either the deputy comptroller or the first assistant comptroller who in such case shall have full power to act as a member of the said board of trustees;

(3) Three members to be appointed by the mayor of the city to serve for a term of two years;

(4) Three members to be elected by the members of the retirement system of the city for a term of three years; provided, however, that the term of office of the first three members so elected shall begin immediately upon their election and one such member's term shall expire one year from the date the retirement system becomes operative, another such member's term shall expire two years from the date the retirement system becomes operative and the other such member's term shall expire three years from the date the retirement system becomes operative; provided, further, that such members shall be members of the system and hold office only while members of the system;

(5) Two members who shall be retirees of the retirement system to be elected by the retirees of the retirement system for a term of three years; except that, the term of office of the first two members so elected shall begin immediately upon their election and one such member's term shall expire two years from the date of election and the other such member's term shall expire three years from the date of election.

**2. Any member elected chairman of the board of trustees may serve a total of four years in that capacity which shall be limited to no more than two consecutive terms.**

3. Each commissioned elected trustee shall be granted travel time by the St. Louis metropolitan police department to attend any and all functions that have been authorized by the board of trustees of the police retirement system of St. Louis. Travel time for a trustee shall not exceed thirty days in any board fiscal year.

**86.217. VACANCY ON BOARD, HOW FILLED — TRUSTEES TO RECEIVE EXPENSES.** — 1. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

2. The trustees shall serve without compensation, but they shall be reimbursed [from the expense fund] for all necessary expenses which they may incur through service on the board.

**86.220. OATH OF TRUSTEES.** — Each trustee shall, within ten days after his appointment or election, take an oath of office before the clerk of circuit court of said cities, that, so far as it devolves upon [him, he] **such trustee, the trustee** will diligently and honestly administer the affairs of the said board, and [that he] will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the [member] **trustee** making it and certified by the said clerk of circuit court and filed in [his] **the clerk's** office.

**86.227. JURISDICTION OF BOARD — DECISIONS SUBJECT TO JUDICIAL REVIEW.** — The board of trustees has exclusive original jurisdiction in all matters relating to or affecting the funds herein provided for, including, in addition to all other matters, all claims for annuities, benefits, refunds of pensions under this law, and its action,

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decision or determination in any matter is reviewable under chapter 536, RSMo, only, and any party to the proceedings has a right of appeal from the decision of the reviewing court. Subject to the limitations of sections 86.200 to [86.363] **86.366**, the board of trustees shall, from time to time, establish rules and regulations for the administration of [funds] **the retirement system** created by this law, for the transaction of its business and for the limitation of the time within which claims may be filed.

**86.237. LEGAL ADVISER — MEDICAL BOARD — APPOINTMENT OF ADMINISTRATOR.** — 1. The city counselor of the said cities shall be the legal adviser of the board of trustees.

2. The board of trustees shall designate a medical board to be composed of three physicians who shall arrange for and pass upon all medical examinations required under the provisions of sections 86.200 to [86.363] **86.366**, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all the matters referred to it. **In addition, the board of trustees may appoint a fourth physician to act as an administrator of the medical board who may, with the consent of the board of trustees, select the members of the medical board and coordinate any reports to the board of trustees.**

**86.240. ACTUARY, DUTIES.** — [1.] The actuary shall be the technical adviser of board of trustees on matters regarding the operation of the [funds] **retirement system** created by sections 86.200 to [86.363] **86.366** and shall perform such other duties as are required in connection therewith.

[2. Immediately after the establishment of the retirement system the actuary shall make such investigation of the mortality, service and compensation experience of the members of the system as he shall recommend and the board of trustees shall authorize, and on the basis of such investigation he shall recommend for adoption by the board of trustees such tables and such rates as are required in section 86.243. The board of trustees shall adopt tables and certify rates of contribution to be used by the system. As soon as practicable after the establishment the actuary shall make a valuation of its assets and liabilities based upon such tables and rates of contribution as the board may adopt.]

**86.243. REGULAR ACTUARIAL SURVEYS — ADOPTION OF MORTALITY TABLES — CERTIFICATION OF CONTRIBUTION RATES.** — [In the year 1933 and] At least once in each five-year period [thereafter] the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system and shall make a valuation of the assets and liabilities of the [funds of the] system and taking into account the results of such investigation and valuation the board of trustees shall:

- (1) Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary;
- (2) Certify the rates of contribution payable by the said cities.

**86.247. ANNUAL VALUATION OF ASSETS AND LIABILITIES.** — On the basis of such tables as the board of trustees shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the [funds of the] system created by sections 86.200 to [86.363] **86.366**.

**86.248. ASSETS OF FUND RETAINED FOR BENEFIT OF MEMBERS.** — All assets of the [fund] **retirement system**, including investment income, shall be retained for the exclusive benefit of members and their beneficiaries and shall be used to pay benefits or administrative expenses of the system and shall not revert to or inure to the benefit of any other person or entity prior to the termination of the [plan] **retirement system** established pursuant to sections 86.200 to [86.363] **86.366**, and the satisfaction of all benefit liabilities under such [plan] **retirement system**.

**86.250. MEMBERS MAY RETIRE WHEN — APPLICATION TO BOARD TO BE MADE WHEN — COMPULSORY RETIREMENT.** — Retirement of a member on a service retirement allowance shall be made by the board of trustees as follows:

(1) Any member may retire after completing twenty or more years of **creditable** service or [obtaining] **attaining** the age of fifty-five upon [his] **the member's** written application to the board of trustees setting forth at what time, but not more than ninety days subsequent to the execution and filing [therefor he] **of the application, the member** desires to be retired.

(2) Any member in service who has attained the age of sixty-five shall be retired forthwith provided that upon request of the board of police commissioners the board of trustees may permit such member to remain in service for periods of not to exceed one year from the date of the last request from the board of police commissioners.

**86.251. DEFERRED RETIREMENT OPTION PLAN — ELECTION — DEPOSIT OF RETIREMENT ALLOWANCE IN DROP ACCOUNT — TERMINATION OF PARTICIPATION, WHEN — FORMS OF PAYMENT — EFFECT OF PARTICIPATION — DEATH OF MEMBER, PAYMENT OF FUNDS — ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE, EFFECT — INTEREST, AMOUNT — APPROVAL BY IRS — ELECTION FOR MONTHLY SURVIVOR ANNUITY, WHEN.** — 1. The board of trustees may develop and establish a deferred retirement option plan (DROP) in which members eligible for retirement may participate. The DROP shall be designed to allow members with at least twenty years of **creditable** service or who have attained the age of fifty-five who have achieved eligibility for retirement and are entitled to a service retirement allowance and other benefits to continue active employment and accumulate a deferred receipt of the service retirement allowance. No one shall participate in the DROP for a period exceeding five years.

2. Any member who has at least twenty years of **creditable** service or has attained the age of fifty-five may elect in writing before retirement to participate in the DROP. A member electing to participate in the DROP shall continue in active employment and shall not receive any direct retirement allowance payments or benefits during the period of participation.

3. Upon the start of the participation in the DROP, the member shall cease to make any contributions to the system. No contribution shall be required by the city

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into the DROP account. During the period of participation in the DROP, the amount that the member would have received as a service retirement allowance if the member had retired shall be deposited monthly in the member's DROP account which shall be established in the member's name by the board of trustees. The member's service retirement allowance shall not be adjusted for any cost-of-living increases for any period prior to the member's retirement. Cost-of-living increases, if any, for any period following the member's retirement shall be applied only to monthly service retirement payments made following retirement. Service earned during the period of participation in the DROP shall not be creditable service and shall not be counted in determination of any service retirement allowance or [widow's] **surviving spouse's** or dependents' benefits.

4. The member's [return of] contributions to the retirement system shall [continue to] be paid to the member or the member's [widow] **surviving spouse** pursuant to sections 86.253 and 86.288, within sixty days after the member's date of retirement and not the date of the conclusion of the member's participation in the DROP, unless such dates are the same.

5. A member shall cease participation in the DROP upon the earlier of the termination of the member's employment as a police officer or at the end of the five-year period commencing on the first day of the participation in the DROP. The member shall, upon the member's termination of employment, elect to receive the amount in the member's DROP account, including any accrued interest, in one of the following forms of payment:

- (a) A lump sum payment; or
- (b) Equal monthly installments over a ten-year period.

Any interest earned pursuant to this section during the installment period shall be paid as soon as reasonably possible after the final monthly installment. Either form of payment should begin within thirty days after the member's notice to the board of trustees that the member has selected a particular option.

6. A member who has elected to participate in the DROP may not reenter the system in any fashion. At the conclusion of the member's participation in the DROP by reason of the expiration of the five-year period, if the member does not terminate the member's employment as a police officer in the city for which the retirement system was established pursuant to sections 86.200 to [86.363] **86.366**, the member shall continue not to have any percentage of the member's salary deducted for a contribution nor shall any of the member's employment period count as creditable service.

7. If a member dies prior to termination of employment while participating in the DROP or before the member has received full withdrawal of the amount in the member's DROP account under the installment optional payment form, the funds in the member's DROP account, including any accumulated interest, shall be payable to the member's [widow] **surviving spouse**; or, if the member is then unmarried, to the member's dependent children in equal shares; or, if none, to the member's dependent mother or father; or, if none, to the member's designated beneficiary or, if no such beneficiary is then living, **to** the member's estate. Payment shall be made within sixty days after the retirement system is notified of the member's death.

8. If a member has elected to participate in the DROP and during such participation period applies for and receives benefits for an accidental disability retirement allowance pursuant to the provisions of section 86.263, the member shall forfeit all rights, claims or interest in the member's DROP account and the member's benefits shall be calculated as if the member has continued in employment and had not elected to participate in the DROP. Any [funds in] **portion of** a DROP account [which have] **that has** been forfeited as provided in this subsection shall [become funds] **be a general asset** of the system.

9. A member's DROP account shall earn interest equal to the rate of return earned by the system's investment portfolio on a market value basis, including realized and unrealized gains and losses, net of investment expense, as certified by the system's actuary. As of the first day of each year, beginning with the second fiscal year of participation, the member's DROP account balance, determined as of the first day of such year, shall be credited with interest at the investment rate earned by the [fund] **assets of the retirement system** for the prior year. If distribution of the member's DROP account balance is completed during the year, interest shall be credited, based on the beginning balance for the year, in proportion to the part of the year preceding the date of final distribution. No interest shall be credited on amounts, if any, added to the member's DROP account during the year in which the distribution of the account is completed.

10. The board of trustees shall not incur any liability individually or on behalf of other individuals for any act or omission, made in good faith in relation to the DROP or [funds of the] **assets credited to** DROP accounts.

11. The DROP established by this section is subject to approval by the Internal Revenue Service. The provisions of the Internal Revenue Code and regulations promulgated thereunder shall supersede any DROP provision if there is any inconsistency with the Internal Revenue Code or regulation.

12. Upon the receipt by the board of trustees of evidence and proof that the death of a member resulted from an event occurring while the member was in the actual performance of duty, and if the member is participating in the DROP, the member's [widow] **surviving spouse** or, if the member is then unmarried, the member's unmarried dependent children, may elect within thirty days after the member's death to have the amount in the member's DROP account paid in the form of a monthly survivor annuity. Payment of the survivor annuity shall begin within sixty days after the election is received. Payment to the member's [widow] **surviving spouse** shall continue until the [widow's] **surviving spouse's** death; payment to the member's unmarried dependent children shall be made while any child qualifies as an unmarried dependent child pursuant to section 86.280. The survivor annuity shall be the actuarial equivalent of the member's DROP account as of the date payment begins. In no event shall the total amount paid pursuant to this subsection be less than the member's DROP account balance as of the date payment begins.

**86.252. DISTRIBUTION OF INTEREST OF MEMBER, WHEN — DISTRIBUTION PERIODS.** — Notwithstanding any provision of sections 86.200 to [86.363] **86.366**, to the contrary, the entire interest of a member shall be distributed or begin to be distributed no later than the member's required beginning date. The general required

beginning date of a member's benefit is April first of the calendar year following the calendar year in which the member attains age seventy and one-half years or, if later, in which the member retires. All distributions required pursuant to this section shall be determined and made in accordance with the income tax regulations under section 401(a)(9) of the Internal Revenue Code, including the minimum distribution incidental benefit requirement of section 1.401(a)(9)-2 of the income tax regulations. As of the first distribution year, distributions, if not made in a single sum, may only be made over one of the following periods, or a combination thereof:

- (1) The life of the member;
- (2) The life of the member and a designated beneficiary;
- (3) A period certain not extending beyond the life expectancy of the member; or
- (4) A period certain not extending beyond the joint and last survivor expectancy of the member and a designated beneficiary.

**86.253. SERVICE RETIREMENT ALLOWANCE, HOW CALCULATED — MILITARY SERVICE CREDIT — CONTRIBUTIONS REFUND, WHEN — RETIREE, SURVIVING SPOUSES, SPECIAL CONSULTANTS, WHEN, BENEFITS REDUCED, WHEN. —** 1. Upon retirement for service, a member shall receive a service retirement allowance which shall be **an amount** equal to [a fraction] **two percent** of the member's average final compensation multiplied by the number of years of the member's creditable service, [which fraction for the year of retirement is one-fiftieth] **up to twenty-five years**, plus an amount equal to four percent of the **member's** average final compensation for each [additional] year of **creditable** service [after] **in excess of** twenty-five years **but not in excess of thirty years**; plus an additional five percent **of the member's average final compensation** for **any creditable** service [after] **in excess of** thirty years[; but no]. **Notwithstanding the foregoing, the service retirement allowance of a member who does not earn any creditable service after August 11, 1999, shall not exceed an amount equal to seventy percent of the member's average final compensation, and the service retirement allowance of a member who earns creditable service on or after August 12, 1999, shall not exceed an amount equal to seventy-five percent of the member's average final compensation [or the amount already accrued by the member as of August 1, 1979, whichever is greater].**

2. If, at any time since first becoming a member of the retirement system, the member has served in the armed forces of the United States, [in any war or period of armed hostilities between the armed forces of the United States and those of a foreign power,] and has subsequently been reinstated as a policeman within ninety days after the member's discharge, the member shall be granted credit for such service as if the member's service in the police department of such city had not been interrupted by the member's induction into the armed forces of the United States. If earnable compensation is needed for such period in computation of benefits it shall be calculated on the basis of the compensation payable to the officers of the member's rank during the period of the member's absence. **Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, the retirement system governed by sections 86.200 to 86.366 shall be operated and administered in accordance with the applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1984, as amended.**

3. The service retirement allowance of each present and future retired member who retired from service after attaining age fifty-five or after completing twenty years of **creditable** service shall be increased annually at a rate not to exceed three percent as approved by the board of trustees beginning with the first increase in the second October following the member's retirement and subsequent increases in each October thereafter, provided that each increase is subject to a determination by the board of trustees that the consumer price index (United States City Average Index) as published by the United States Department of Labor shows an increase of not less than the approved rate during the latest twelve-month period for which the index is available at the date of determination; and provided further, that if the increase is in excess of the approved rate for any year, such excess shall be accumulated as to any retired member and increases may be granted in subsequent years subject to a maximum of three percent for each full year from October following the member's retirement but not to exceed a total percentage increase of thirty percent. In no event shall the increase described under this subsection be applied to the amount, if any, paid to a member or [widow] **surviving spouse** of a deceased member for services as a special consultant under subsection 5 of this section or, if applicable, subsection 6 of this section. If the board of trustees determines that the index has decreased for any year, the benefits of any retired member that have been increased shall be decreased but not below the member's initial benefit. No annual increase shall be made of less than one percent and no decrease of less than three percent except that any decrease may be limited in amount by the initial benefit. [Any annuity or retirement allowance paid to a member under this subsection shall be withdrawn from the police retirement system and no moneys shall be withdrawn from the general revenue fund of any city governed by sections 86.200 to 86.363.]

4. In addition to any other [annuity or] retirement allowance payable under this section and section 86.250, a member, upon **service** retirement, shall be repaid the total amount of the member's contribution to the retirement system, without interest. The board shall pay the retired member such total amount of the member's contribution to the retirement system within sixty days after such retired member's date of retirement. [Any annuity or retirement allowance repaid to a member under this subsection shall be withdrawn from the police retirement system and no moneys shall be withdrawn from the general revenue fund of any city governed by sections 86.200 to 86.363.]

5. Any person who is receiving retirement benefits from the retirement system, upon application to the board of trustees, shall be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters, for the remainder of the person's life **or, in the case of a deceased member's surviving spouse, until the earlier of the person's death or remarriage**, and upon request of the board of trustees shall give opinions and be available to give opinions in writing or orally, in response to such requests, as may be required. For such services [he or she] **the special consultant** shall be compensated monthly, in an amount which, when added to any monthly retirement benefits being received from the retirement system, [shall, unless the provisions of subsection 6 of this section apply,] **including any cost-of-living increases under subsection 3 of this section, shall** total six hundred fifty dollars a month[; except that

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a surviving spouse of a deceased member who is employed as a special consultant shall, unless the provisions of subsection 6 of this section apply, receive compensation for the person's services as a special consultant of not less than six hundred fifty dollars a month. This compensation shall be paid by the retirement system from funds of the retirement system, and]. This employment shall in no way affect any person's eligibility for retirement benefits under this chapter, or in any way have the effect of reducing retirement benefits, notwithstanding any provisions of law to the contrary.

[6. The compensation granted retirees and surviving spouses of deceased members under subsection 5 of this section shall be decreased by one hundred fifty dollars per month upon the issuance of an opinion by the Missouri supreme court which would result in the state of Missouri being obligated or required to pay such additional one hundred fifty dollars per month even though such additional compensation is formally approved or authorized by the appropriate body of any city governed by sections 86.200 to 86.363.]

**86.254. SPECIAL ADVISORS, QUALIFICATIONS, DUTIES, COMPENSATION — EFFECTIVE, WHEN — SURVIVING SPOUSES AS ADVISORS, WHEN, COMPENSATION. —**

1. Beginning July 1, 1994, in addition to any other annuity, benefits, or retirement allowance provided pursuant to sections 86.200 to [86.363] **86.366**, each present and future retired member after attaining the age of sixty years shall, upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as an advisor on the problems of retirement, aging and other matters, for the remainder of the retired member's life, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required.

2. For the performance of duties required in subsection 1 of this section, each retired member employed as an advisor by the board of trustees shall be compensated monthly in an amount of ten dollars per month multiplied by the number of years the retired member is past the age of sixty years. The compensation provided by this subsection shall be adjusted annually. No funding shall be required prior to the effective date of this benefit.

3. Beginning October 1, 1999, in addition to any other benefit provided to any [widow] **surviving spouse** pursuant to sections 86.200 to [86.363] **86.366**, each present and future [widow] **surviving spouse** of a member after attaining the age of sixty years shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as an advisor on the problems of retirement, aging and other matters for the remainder of the [widow's] **surviving spouse's life or until the surviving spouse remarries, whichever is earlier**, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required.

4. For the performance of duties required in subsection 3 of this section, each [widow] **surviving spouse** of a member employed as an advisor by the board of trustees shall be compensated monthly in an amount of ten dollars per month multiplied by the number of years the [widow] **surviving spouse** is past the age of sixty years. The compensation provided by this subsection shall be adjusted annually.

**86.255. ELIGIBLE ROLLOVER DISTRIBUTION PAYABLE, ELECTION TO PAY DIRECTLY TO PLAN — DEFINITIONS — WRITTEN EXPLANATION REQUIRED BY BOARD, WHEN — DISTRIBUTION MADE, WHEN. —** 1. Notwithstanding any other provision of the plan established in sections 86.200 to [86.363] **86.366**, if an eligible rollover distribution becomes payable to a distributee, the distributee may elect, at the time and in the manner prescribed by the board of trustees, to have any of the eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

2. For purposes of this section, the following terms mean:

(1) "Direct rollover", a payment by the board of trustees from the fund to the eligible retirement plan specified by the distributee;

(2) "Distributee", a member, a [widow] **surviving spouse** or a spouse;

(3) "Eligible retirement plan", an individual retirement account described in section 408(a) of the Internal Revenue Code, an individual retirement annuity described in section 408(b) of the Internal Revenue Code, or a qualified trust described in section 401(a) of the Internal Revenue Code that accepts the distributee's eligible rollover distribution;

(4) "Eligible rollover distribution", any distribution of all or any portion of a member's benefit, other than:

(a) A distribution that is one of a series of substantially equal periodic payments, made not less frequently than annually, for the life or life expectancy of the distributee or for the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more;

(b) The portion of a distribution that is required under section 401(a)(9) of the Internal Revenue Code; or

(c) The portion of any distribution that is not includable in gross income.

3. The board of trustees shall, at least thirty days, but not more than ninety days, before making an eligible rollover distribution, provide a written explanation to the distributee in accordance with the requirements of section 402(f) of the Internal Revenue Code.

4. If the eligible rollover distribution is not subject to sections 401(a) and 417 of the Internal Revenue Code, such eligible rollover distribution may be made less than thirty days after the distributee has received the notice described in **subsection 3 of this section** [86.252], provided that:

(1) The board of trustees clearly informs the distributee of the distributee's right to consider whether to elect a direct rollover, and if applicable, a particular distribution option, for at least thirty days after the distributee receives the notice; and

(2) The distributee, after receiving the notice, affirmatively elects a distribution.

**86.256. ANNUAL BENEFIT NOT TO EXCEED CERTAIN AMOUNT — ANNUAL ADDITIONS NOT TO EXCEED CERTAIN AMOUNT — COMBINED PLAN LIMITATION NOT TO BE EXCEEDED — INCORPORATION BY REFERENCE OF INTERNAL REVENUE CODE. —** 1. In no event shall a member's annual benefit paid under the plan established pursuant to sections 86.200 to [86.363] **86.366**, exceed the amount specified in Section 415(b) of the Internal Revenue Code, as adjusted for any

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applicable increases in the cost of living, as in effect on the last day of the plan year, including any increases after the member's termination of employment.

2. In no event shall the annual additions to the plan established pursuant to sections 86.200 to [86.363] **86.366**, on behalf of the member, including the member's own contributions, exceed the lesser of:

(1) Twenty-five percent of the member's compensation, as defined for purposes of Section 415(c) of the Internal Revenue Code; or

(2) Thirty thousand dollars, as adjusted for increases in the cost of living.

3. Effective for limitation years beginning prior to January 1, 2000, in no event shall the combined plan limitation of Section 415(e) of the Internal Revenue Code be exceeded; provided that, if necessary to avoid exceeding such limitation, the member's annual benefit under the plan established pursuant to sections 86.200 to [86.363] **86.366**, shall be reduced to the extent necessary to satisfy such limitations.

4. For purposes of this section, Section 415 of the Internal Revenue Code, including the special rules under Section 415(b) applicable to governmental plans and qualified participants in police and fire department plans, is incorporated in this section by reference.

**86.257. DISABILITY RETIREMENT ALLOWANCE GRANTED, WHEN.** — Upon the application of a member in service or of the board of police commissioners, any member who has had ten or more years of creditable service shall be retired by the board of trustees, [not less than thirty and] not more than ninety days next following the date of filing such application on an ordinary disability retirement allowance; provided, that the medical board after a medical examination of such member shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent and that such member should be retired.

**86.260. DISABILITY ALLOWANCE, HOW CALCULATED — MEMBERS AS SPECIAL CONSULTANTS, WHEN — BENEFITS FOR CHILDREN.** — 1. Upon retirement for ordinary disability a member shall receive a service retirement allowance if the member has attained the age of fifty-five or completed twenty years of **creditable** service; otherwise the member shall receive an ordinary disability retirement allowance which shall be equal to ninety percent of the member's accrued service retirement in section 86.253, but not less than one-fourth of the member's average final compensation; provided, however, that no such allowance shall exceed ninety percent of the member's accrued service retirement benefit based on continuation of the member's **creditable** service to the age set out in section 86.250.

2. Effective October 1, 1999, the ordinary disability retirement allowance will be increased by fifteen percent of the member's average final compensation for each unmarried dependent child of the disabled member who is under the age of eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in gainful occupation sufficient to support himself or herself, but not in excess of a total of three children; provided, however, that the combined benefit shall not exceed seventy percent of such average final compensation.

3. Any member receiving benefits pursuant to the provisions of this section immediately prior to October 1, 1999, shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the member is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children.

4. Any benefit payable to or for the benefit of a child or children under the age of eighteen years pursuant to the provisions of subsections 2 and 3 of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years in those cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

**5. No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen.**

**86.263. SERVICE-CONNECTED ACCIDENTAL DISABILITY RETIREMENT.** — Upon application by the member or the board of police commissioners any member who has become totally and permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty [at some definite time and place] through no negligence on [his] **the member's** part, and if such accident occurred not more than five years prior to date of application unless the accident was reported and an examination made of the member by the medical staff of the board of police commissioners within five years of the date of the accident with subsequent examinations made as requested, shall be retired by the board of trustees provided that the medical board shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that such member should be retired; provided that if the accident occurred prior to the age and year set out in section 86.250, application for benefits must be made before such [date] **age and year** except that the interval between date of accident and of application may be [at least] six months.

**86.267. SERVICE-CONNECTED DISABILITY RETIREMENT ALLOWANCE CALCULATED, HOW — APPOINTMENT AS SPECIAL CONSULTANT, AMOUNT TO BE PAID, DUTIES.** — 1. Upon retirement for accidental disability, other than permanent total disability as defined in subsection 2, a member shall receive a retirement allowance of seventy-five percent of the member's average final compensation.

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2. Any member who, as the natural and proximate result of an accident occurring in the actual performance of the member's duty [at some definite time and place] through no negligence on the member's part, is permanently and totally incapacitated from performing any work, occupation or vocation of any kind whatsoever shall receive a retirement allowance as under subsection 1 or, in the discretion of the board of trustees, may receive a larger retirement allowance in an amount not exceeding the member's rate of compensation as a policeman in effect as of the date the allowance begins.

3. The board of trustees, in its discretion, may, in addition to the allowance granted in accordance with the provisions of subsections 1 and 2, grant an allowance in an amount to be determined by the board of trustees, to provide such member with surgical, medical and hospital care reasonably required after retirement, which are the result and in consequence of the accident causing such disability.

4. Any person who is receiving benefits pursuant to subsection 2 of this section on or after August 28, 1997, upon application to the board of trustees, shall be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters, and upon request of the board of trustees shall give opinions and be available to give opinions in writing or orally, in response to such requests, as may be required. For such services the retired member shall be paid a lump sum payment in an amount equal to the total amount of [his] **the member's** contributions to the retirement system, without interest, within sixty days after approval of the retired member's application by the board of trustees. [Any annuity or retirement allowance paid to a retired member pursuant to this section shall be withdrawn from the police retirement system and no moneys shall be withdrawn from the general revenue fund of any city governed by sections 86.200 to 86.363.]

**86.270. EXAMINATION OF APPLICANTS FOR DISABILITY BENEFITS — REEXAMINATION OF MEMBERS RETIRED ON DISABILITY.** — [Once each year during the first five years following the retirement of a member on a disability retirement allowance and once in every three-year period thereafter, the board of trustees may, and upon his application shall, require any disability beneficiary to undergo a medical examination, such examination to be made] **The board of trustees shall require each member who applies for disability benefits to undergo a medical examination** at a place designated by the medical board[.]. The examination [to] **shall** be made by the medical board or by a physician or physicians designated by such board. **Once each year during the first five years following the retirement of a member on a disability retirement allowance and once in every three-year period after that, the board of trustees may require any disabled member to undergo a medical examination.** Should any [disability beneficiary] **disabled member** refuse to submit to such medical examination, [his] **such member's disability** allowance may be discontinued until [his] **the** withdrawal of such refusal and should [his] **the** refusal continue for one year all rights in and to [his pension] **the member's disability allowance** may be revoked by the board of trustees.

**86.277. DISABILITY ALLOWANCE CEASES ON RETURN TO SERVICE — STATUS AS MEMBER.** — Should a [disability beneficiary] **disabled member** be restored to

active service [his retirement], **such member's disability** allowance shall cease[, he]. **The disabled member** shall again become a member and [he] shall contribute thereafter at the same rate [he paid] **in effect** prior to disability. Any prior service certificate on the basis of which [his] **the member's** service was computed at the time of [his] retirement shall be restored to full force and effect and in addition upon [his] **the member's** subsequent retirement [he], **the member** shall be credited with all [his] service as a member, and if [his] **the member's** then average final compensation is less than the average final compensation used in determining [his] **the member's** disability [benefits] **allowance**, the latter amount shall be used in determining benefits.

**86.280. DEATH BENEFIT — DEPENDENTS' ALLOWANCES.** — Upon the receipt of proper proofs of the death of a member in service and provided no other benefits are payable **under the retirement system**, there shall be paid the following benefits:

(1) Effective October 1, 1999, a pension to the [widow during the person's widowhood] **surviving spouse until the surviving spouse dies or remarries, whichever is earlier**, of forty percent of the deceased member's average final compensation plus fifteen percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in gainful occupation sufficient to support himself or herself, but not in excess of a total of three children;

(2) Any [widow] **surviving spouse** or unmarried dependent child receiving benefits pursuant to the provisions of this section immediately prior to October 1, 1999, shall, upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the [widow] **surviving spouse** or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, the [widow] **surviving spouse** shall receive additional monthly compensation in an amount equal to fifteen percent of the deceased member's [final] average **final** compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children. The additional monthly compensation payable to a [widow] **surviving spouse** pursuant to this subdivision shall be adjusted for any cost-of-living increases that apply, pursuant to subdivision (8) of **this** section [86.283], to the benefit the [widow] **surviving spouse** was receiving prior to October 1, 1999;

(3) If no [widow] **surviving spouse** benefits are payable pursuant to subdivisions (1) and (2) of this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of this section had there been a [widow] **surviving spouse** shall be divided among the unmarried dependent children under age eighteen and such unmarried dependent children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer

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eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the [widow's] **surviving spouse's** benefit shall be paid for one child;

(4) If there is no [widow] **surviving spouse** or dependent children, the return of accumulated contributions to the designated beneficiary **as set forth in section 86.293**;

(5) No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

(6) Wherever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the [widow] **surviving spouse** of the deceased member, such benefits may be paid to such [widow] **surviving spouse** for the child;

(7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years if the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university;

(8) **The benefits payable pursuant to this section to the surviving spouse of a member who died in service after attaining the age of fifty-five or completing twenty years of creditable service shall be increased in the same percentages and pursuant to the same method as is provided in section 86.253 for adjustments in the service retirement allowance of a retired member.**

**86.283. DEATH BENEFITS OF RETIRED MEMBER — DEPENDENTS' ALLOWANCES — COST-OF-LIVING ADJUSTMENT.** — Upon receipt of proper proofs of the death of a retired member who retired while in service, including retirement for service, ordinary disability or accidental disability, and provided no other benefits are payable **from the retirement system**, there shall be paid the following benefits:

(1) Effective October 1, 1999, a pension to the [widow during the person's widowhood] **surviving spouse until the surviving spouse dies or remarries, whichever is earlier**, of forty percent of the deceased member's average final compensation plus fifteen percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support himself or herself, but not in excess of three children;

(2) Any [widow] **surviving spouse** or unmarried dependent child receiving benefits pursuant to this section immediately prior to October 1, 1999, shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the [widow] **surviving spouse** or unmarried dependent child is

receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, a [widow] **surviving spouse** shall receive additional monthly compensation equal to the amount which when added to the benefits the [widow] **surviving spouse** was receiving pursuant to this section prior to October 1, 1999, determined without regard to any increase applied to such benefits prior to October 1, 1999, pursuant to subdivision (8) of this section, will increase the [widow's] **surviving spouse's** total monthly payment pursuant to this section to forty percent of the deceased member's [final] average **final** compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children. The additional monthly compensation payable to a [widow] **surviving spouse** pursuant to this subdivision shall be adjusted for any cost-of-living increases that apply to the benefit the [widow] **surviving spouse** was receiving prior to October 1, 1999;

(3) If no [widow] **surviving spouse** benefits are payable pursuant to subdivisions (1) and (2) of this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of this section had there been a [widow] **surviving spouse**, determined without regard to any increase which would have applied to the [widow's] **surviving spouse's** benefits pursuant to subdivision (8) of this section, shall be divided among the unmarried dependent children under age eighteen and unmarried dependent children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the [widow's] **surviving spouse's** benefits shall be paid for one child;

(4) No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

(5) Whenever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the [widow] **surviving spouse** of the deceased member, such benefits may be paid to such [widow] **surviving spouse** for the child;

(6) In the event of the death of a retired member receiving accidental disability benefits before such benefits have been paid for five years, the member's [widow during the person's widowhood] **surviving spouse until the surviving spouse dies or remarries, whichever is earlier**, shall receive an additional pension of ten percent of the deceased member's final average compensation;

(7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years if the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended

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benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university;

(8) The benefits payable pursuant to this section to the [widow] **surviving spouse** of a retired member who received or was entitled to receive a service retirement allowance [or the widow of a member who died in service after attaining the age of fifty-five or completing twenty years of service] shall be increased in the same percentages and pursuant to the same method as is provided in section 86.253 for adjustments in the service retirement allowance of a retired member.

**86.287. ACCIDENTAL DEATH BENEFIT — DEPENDENTS' ALLOWANCES.** — Upon the receipt by the board of trustees of evidence and proof that the death of a member was the natural and proximate result of an accident occurring at some definite time and place while the member was in the actual performance of duty and not caused by negligence on the part of the member, there shall be paid in lieu of [all other] **the** benefits [the following benefits] **pursuant to sections 86.280 to 86.283:**

(1) Effective October 1, 1999, a pension to the [widow during the person's widowhood] **surviving spouse until the surviving spouse dies or remarries, whichever is earlier**, of seventy-five percent of the deceased member's average final compensation plus fifteen percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently disabled and incapacitated from engaging in a gainful occupation sufficient to support himself or herself, but not in excess of three children;

(2) Any [widow] **surviving spouse** or unmarried dependent child receiving benefits pursuant to this section immediately prior to October 1, 1999, shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the [widow] **surviving spouse** or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, a [widow] **surviving spouse** shall receive additional monthly compensation equal to the amount which when added to the benefits the [widow] **surviving spouse** was receiving pursuant to this section prior to October 1, 1999, will increase the [widow's] **surviving spouse's** total monthly benefit payment pursuant to this section to seventy-five percent of the deceased member's average final compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children;

(3) If no [widow] **surviving spouse** benefits are payable pursuant to subdivisions (1) and (2) of this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of this section had there been a [widow] **surviving spouse**, shall be divided among the unmarried dependent children under age eighteen and such unmarried dependent children, regardless of age, who are totally and permanently

disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the [widow's] **surviving spouse's** benefit shall be paid for one child;

(4) If there is no [widow] **surviving spouse** or unmarried dependent children of either class mentioned in subdivision (3) of this section, then an amount equal to the [widow's] **surviving spouse's** benefit shall be paid to the member's dependent father or dependent mother to continue until remarriage or death;

(5) No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

(6) Wherever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the [widow] **surviving spouse** of the deceased member, such benefits may be paid to such [widow] **surviving spouse** for the child;

(7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years in those cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

**86.288. CONTRIBUTIONS PAID TO SURVIVING SPOUSES, WHEN.** — [1. Unless the provisions of subsection 2 of this section apply,] In addition to any other benefits payable, notwithstanding any provisions of sections 86.280 and 86.287 to the contrary, if a member dies while commissioned as a peace officer, or after retiring and before receiving a refund of [his] **the member's** contributions in accordance with section 86.253 or 86.290, or while receiving a disability retirement allowance in accordance with section 86.253 or 86.257, the total amount of the member's contribution to the retirement system shall be paid without interest to the [widow] **surviving spouse** of such member. Payment pursuant to this subsection shall be made within sixty days after the later of the date proper proofs of death are provided or August 28, 1994, regardless of when the member died or retired, provided that the [widow] **surviving spouse** shall be alive on the date that payment is made. [The amount shall be withdrawn from the retirement system and none of the amount shall be withdrawn from the general revenue fund of any city of seven hundred thousand or more inhabitants.

2. Upon the issuance of an opinion by the Missouri supreme court which would result in the state of Missouri being obligated or required to pay any additional benefits or compensation resulting from the general assembly's amendment of subsection 1 of this section, even though such additional benefits or compensation are formally

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approved or authorized by the appropriate body of any city governed by sections 86.200 to 86.363, subsection 1 of this section shall terminate and subsection 3 of this section shall become effective.

3. Upon the application of the provisions of subsection 2 of this section, in addition to any other benefits payable, notwithstanding any provisions of sections 86.280 and 86.287 to the contrary, there shall be paid to the widow of a member with twenty or more years of service who dies on or after January 1, 1982, and while commissioned as a policeman the total amount of the member's contribution to the retirement system, without interest, within sixty days after proper proofs of death are provided. The amount shall be withdrawn from the retirement system and none of the amount shall be withdrawn from the general revenue fund of any city of seven hundred thousand or more inhabitants.]

**86.290. ACCUMULATED CONTRIBUTIONS REFUNDED, WHEN.** — Should a member cease to be a policeman except by death or retirement, [he shall be paid on demand] **the member may request payment of** the amount of [his] **the** accumulated contributions standing to the credit of [his] **the member's** individual account [in the members' savings fund, provided that if such a member has less than twenty years of creditable service his accumulated contributions], **including members' interest, in which event such amount** shall be paid to [him] **the member** not later than one year after [he] **the member** ceases to be a policeman. [If the board of trustees is unable to refund the contributions of a member or to commence payment of benefits within five years after such refund or benefits are otherwise first due and payable, the board may transfer the accumulated contributions to the benefit reserve fund. If, thereafter, proper application is made for refund or benefits, the board will allow them and make payment from the benefit reserve fund but no credit will be allowed for interest after the date his refund or benefits were first due and payable.] **If the former member is reemployed as a policeman before any portion of such former member's accumulated contributions is distributed, no distribution shall be made. If the former member is reemployed as a policeman after a portion of the former member's accumulated contributions is distributed, the amount remaining shall also be distributed.**

**86.292. ACCUMULATED CONTRIBUTIONS TO REMAIN SYSTEM ASSETS, WHEN.** — **If the board of trustees is unable to refund the contributions of a member or to commence payment of benefits within five years after such refund or benefits are otherwise first due and payable, the accumulated contributions shall remain assets of the retirement system. If proper application is thereafter made for refund or benefits, the board shall make payment, but no credit shall be allowed for any interest after the date the refund or benefits were first due and payable.**

**86.293. DISPOSITION OF DIFFERENCE BETWEEN BENEFITS PAID AND ACCUMULATED CONTRIBUTIONS.** — If there are no further benefits otherwise payable under sections 86.200 to [86.363] **86.366** and the total amount of benefits paid to date is less than **an** amount equal to the accumulated contributions of the member at [his] death or [at his] retirement, whichever occurred first, the difference shall be paid to the

beneficiary named to receive such amount or if no such beneficiary is living, to the beneficiary or the estate of the beneficiary last entitled to benefits.

**86.297. WORKERS' COMPENSATION OR OTHER BENEFITS OFFSET AGAINST ALLOWANCES.** — Any amounts which may be paid or payable by the said cities under the provisions of any workers' compensation or similar law to a member or to the dependents of a member on account of any **temporary total disability, permanent total disability** or death shall be offset against and payable in lieu of any **periodic** benefits payable out of [funds provided by the said cities under the provisions of sections 86.200 to 86.363] **the retirement system** on account of the same disability or death. In case the present value of the total commuted benefits under said workers' compensation or similar law is less than the [pension reserve on] **actuarial equivalent of the benefits** otherwise payable from [funds provided by the said cities under sections 86.200 to 86.363] **the retirement system**, then the present value of the commuted payments shall be deducted from the [pension reserve] **actuarial equivalent of the benefits** and such benefits as may be provided by the [pension reserve] **retirement system** so reduced [shall be payable under the provisions of sections 86.200 to 86.363].

**86.300. TRUSTEES TO MANAGE FUNDS.** — The board of trustees shall be the trustees of the [several funds] **assets of the retirement system** created by sections 86.200 to [86.363] **86.366** as provided in section 86.317 and shall have full power to invest and reinvest such [funds] **assets**, subject to all the terms, conditions, limitations and restrictions imposed by law upon life or casualty insurance companies in the state of Missouri in making and disposing of their investments; and subject to like terms, conditions, limitations and restrictions said trustees shall have full power to hold, purchase, sell, assign, transfer or dispose of any of the securities and investments in which any of the [funds created herein] **assets** shall have been invested, as well as of the proceeds of said investments and any moneys belonging to [said funds] **the retirement system**.

**86.303. INTEREST ON MEMBERS' ACCOUNTS.** — The [board of trustees annually shall allow regular interest on the mean amount for the preceding year in each of the funds with the exception of the expense fund. The amount so allowed shall be due and payable to said funds and shall be annually credited thereto by the board of trustees from interest and other earnings on the moneys and other assets of the retirement system. From the regular interest allocated to the members' savings fund, the] board of trustees shall annually credit each member's individual account with interest on the largest balance remaining in each account for the entire year and at the **members' interest** rate determined by the board.

**86.307. TREASURER, CUSTODIAN OF ASSETS — PAYMENTS FROM, MADE HOW.** — The treasurer of the [said] cities shall be the custodian of the [several funds. All payments from said funds shall be made by him] **assets of the retirement system. The treasurer shall make payments from such assets** only upon vouchers signed by two persons designated by the board of trustees. A duly attested copy of the

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resolution of the board of trustees designating such persons and bearing on its face specimen signatures of such persons shall be filed with the treasurer as [his] authority for making payments upon such vouchers. No voucher shall be drawn unless it shall previously have been allowed by resolution of the board of trustees.

**86.310. TEN PERCENT MAY BE KEPT IN CASH — MAXIMUM PER DEPOSITORY.**

— For the purpose of meeting disbursements for benefits and other payments there may be kept available cash not exceeding ten percent of the total [amount in the several funds] **assets** of the retirement system on deposit in one or more banks or trust companies in said cities, organized under the laws of the state of Missouri, or of the United States; provided, that the amount on deposit in any one bank or trust company shall not exceed twenty-five percent of the paid up capital and surplus of such bank or trust company.

**86.313. TRUSTEES AND EMPLOYEES NOT TO HAVE DIRECT INTEREST IN INVESTMENTS.** — Except as herein provided, no trustee and no employee of the board shall have any direct interest in the gains or profits of any investment made by the board of trustees, nor [as such] receive any pay or emolument for [his] **any services rendered as a trustee or employee**. No trustee or employee of the board of trustees shall directly or indirectly [for himself or as an agent] in any manner use the assets of the retirement system except to make such current and necessary payments as are authorized by the board of trustees, nor shall any trustee or employee of the board become an endorser or surety or become in any manner an obligor for moneys loaned by or borrowed from the board of trustees.

**[86.317. ASSETS CREDITED TO FOUR FUNDS, HOW DESIGNATED.** — All the assets of the retirement system shall be credited according to the purpose for which they are held to one of four funds; namely, the members' savings fund, the benefit reserve fund, the general reserve fund, and the expense fund.]

**86.320. CONTRIBUTIONS, RATE OF — DEDUCTION FROM COMPENSATION.** — 1. [The members' savings fund shall be the fund in which shall be accumulated contributions at the rate of seven percent of the compensation of the members.

2.] The board of trustees shall certify to the board of police commissioners and the board of police commissioners shall cause to be deducted from the salary of each member on each and every payroll for each and every pay period, seven percent of the compensation of each member not participating in the DROP and zero percent of the compensation of each member participating in the DROP or after the conclusion of the member's participation in the DROP if the officer does not retire at that time.

[3.] **2.** The deductions provided for in this section shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent to the deductions made and provided for in this section, and shall receipt for the member's full salary or compensation and payment of salary or compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits

provided by sections 86.200 to [86.363] **86.366**. The board of police commissioners shall certify to the board of trustees on each and every payroll or in such other manner as the board of trustees shall prescribe the amount deducted, and such amounts shall be paid into [such members' savings fund] **the system** and shall be credited together with [regular] **members'** interest thereon to the individual account of the member from whose compensation such deduction was made.

[4.] **3.** The board of trustees is authorized to grant additional benefits for such parts of contributions as were made prior to the adoption of the seven percent rate for all members which were in excess of the compulsory contributions required of each member.

**[86.323. BENEFIT RESERVE FUND DEFINED, HOW USED.** — The benefit reserve fund shall be the fund from which shall be paid all benefits except such benefits as involve only the refund of the members' contributions at time of withdrawal in which case the refund shall be made direct from the members' savings fund. There shall be transferred to this fund at time of approval of payment of benefits to any member or beneficiary, the accumulated contributions of such member from the members' savings fund and such additional amount from the general reserve fund as is calculated by the actuary to be necessary with the member's contributions to provide the payment of all benefits arising from the service of such member. Upon the completion of the first valuation after the creation of this fund, there shall be transferred to it from the annuity reserve fund, the pension reserve fund and the pension accumulation fund such amounts as are certified by the actuary on the basis of the tables then in use for all beneficiaries receiving benefits.]

**[86.327. GENERAL RESERVE FUND DEFINED.** — 1. The general reserve fund shall be the fund in which shall be accumulated all reserves for benefits not provided by members' contributions, and which are provided by contributions made by the cities.

2. Contributions to and payments from the general reserve fund shall be as follows: On account of each member there shall be paid annually into the fund by the said cities an amount equal to a certain percentage of the earnable compensation of the member to be known as "the normal contribution" and an additional amount equal to a percentage of his earnable compensation to be known as "the accrued liability contribution". The rates percent of such contributions shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuations.]

**86.330. NORMAL RATE OF CONTRIBUTION, HOW DETERMINED.** — [On the basis of regular interest and of such mortality and other tables as shall be adopted by the board of trustees,] **After each annual valuation**, the actuary engaged by the board to make [each] **the** valuation required by sections 86.200 to [86.363] during the period over which the accrued liability contribution is payable, immediately after making such valuation] **86.366**, shall determine the [uniform and constant percentage of the earnable compensation of the average new entrant, which, if contributed throughout his entire period of active service, would be sufficient to provide for the payment of any death benefit or pension payable on his account. The rate percent so determined shall be known as "the normal contribution rate". After the accrued liability

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contribution has ceased to be payable the] normal contribution rate. **The normal contribution rate** shall be the rate percent of the earnable compensation of all members obtained by deducting from the total liabilities of the [fund] **retirement system** the amount of the [funds] **assets** in hand to the credit of the [fund] **retirement system and the present value of expected future member contributions** and dividing the remainder by one percent of the present value of the prospective future compensation of all members as computed on the basis of mortality and service tables **and interest assumptions** adopted by the board of trustees [and regular interest. The normal rate of contribution shall be determined by the actuary after each valuation].

**86.337. AMOUNT PAYABLE TO GENERAL RESERVE FUND — CITY'S CONTRIBUTION.** — The total amount payable [in each year] to the [general reserve fund] **retirement system for each fiscal year** shall be not less than the [sum of the rates percent known as the] normal contribution rate [and the accrued liability contribution rate] of the total compensation earnable by all members during the year; provided, however, that the aggregate payment by the said cities shall be sufficient when combined with the [amount in the fund] **assets of the retirement system** to provide the pensions and other benefits payable [out of the fund] during the then current year. [The city may contribute at any time from bond issue or other available funds an amount equal to the unfunded accrued liability as certified by the actuary in which event no further accrued liability contribution will be required or any lesser amount which will be used to proportionately reduce future accrued liability contributions.]

**86.340. ACCRUED LIABILITY CONTRIBUTION DISCONTINUED, WHEN.** — The accrued liability contribution should be discontinued as soon as the accumulated reserve in the general reserve fund shall equal the present value, as actuarially computed and approved by the board of trustees, of the total liability of said fund, less the present value, computed on the basis of the normal contribution rate then in force, of the prospective normal contributions to be received on account of persons who are at that time members. [The accrued liability contribution rate may be decreased by the board of trustees provided the reduced level rate does not require an amortization period extending beyond 2015.]

**86.343. ANNUAL EXPENSES — CITY, BOARD EACH PROVIDE ONE-HALF — BOARD, DUTIES.** — 1. The [expense fund shall be the fund to which shall be credited all money provided to pay the administration and operation expenses of the retirement system, except the] costs of special personal service, financial advisers, special consultants, and office supplies and equipment [the full cost of which] shall be borne by the board of trustees.

2. Annually the board of trustees shall estimate the amount of money necessary [to be paid into the expense fund during the ensuing year] to provide for the expense of the administration and operation of the retirement system **for the ensuing year**, excluding those items the cost of which the board is to bear pursuant to subsection 1. Fifty percent of the estimate shall be provided by the city and the remaining fifty

percent shall be provided by the board of trustees from interest and other earnings on assets.

3. Annually, the board of trustees shall estimate the amount of money necessary to be paid into a board of trustees account during the ensuing year to provide for the expenses of the retirement system for the cost of special personal service, financial advisers, special consultants, and office supplies and equipment.

**86.344. CERTIFICATION OF AMOUNTS DUE AND PAYABLE, WHEN, TO WHOM — CITY, TO APPROPRIATE FUNDS, WHEN.** — On or before the first day of March of each year the board of trustees shall certify to the board of estimate and apportionment of the city the amounts which will become due and payable during the year next following [to the general reserve fund and the expense fund] **for expenses pursuant to subsection 2 of section 86.343 and the cost of benefits as determined pursuant to section 86.337.** The amounts so certified shall be appropriated by the city and transferred to the retirement system in equal payments in the first six months of the ensuing year.

**86.350. CITY OBLIGATED TO PAY COST OF BENEFITS AND ONE-HALF OF EXPENSES.** — The [creation and maintenance of reserves in the general reserve fund and the maintenance of benefit reserves as provided for and the] payment of **the cost of providing** all benefits granted under the provisions of sections 86.200 to [86.363] **86.366, as determined pursuant to section 86.337, and the payment of** fifty percent of all expenses **described in subsection 2 of section 86.343 incurred** in connection with the administration and operation of the retirement system are hereby made obligations of the [said] cities.

**86.353. BENEFITS EXEMPT FROM TAXES AND EXECUTION — NOT ASSIGNABLE, EXCEPTION, CHILD SUPPORT OR MAINTENANCE.** — The right of any person to a benefit, any other right accrued or accruing to any person under the provisions of sections 86.200 to [86.363] **86.366** and the moneys [in the various funds] created [under] **pursuant to** sections 86.200 to [86.363] **86.366** are exempt from any tax of the state of Missouri and are not subject to execution, garnishment, attachment or any other process whatsoever and are unassignable except as in sections 86.200 to [86.363] **86.366** specifically provided. **Notwithstanding the foregoing, nothing in this section shall prevent the board of trustees from honoring the terms of a court order requiring the retirement system to pay all or any portion of the retirement benefit otherwise payable to a retired or disabled member to a third party to satisfy the member's obligation to pay child support or maintenance.**

**86.354. BENEFIT VESTED AND NONFORFEITABLE, WHEN — FORFEITURES, USE OF.** — A member's benefit shall be one hundred percent vested and nonforfeitable upon the member's attainment of normal retirement age [(age sixty-five)] **of the earlier of age fifty-five or completion of twenty years of creditable service** or, if earlier, and to the extent funded, upon the termination of the plan established pursuant to sections 86.200 to [86.363] **86.366.** Forfeitures of any nature under such plan shall not be used

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to increase the benefits of any member, but shall be used to reduce the city's contributions pursuant to section 86.243.

**86.357. FRAUD IN OBTAINING BENEFITS, A MISDEMEANOR — ADJUSTMENT OF ERRORS.** — 1. Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of this retirement system in any attempt to defraud such system as a result of such act, shall be guilty of a misdemeanor, and shall be punishable therefor under the laws of this state.

2. Should any change or error in records result in any member or beneficiary receiving from the retirement system more or less than [he] would have been [entitled to receive] **payable** had the records been correct, the board of trustees shall correct such error, and, as far as practicable, shall adjust the payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled, shall be paid.

**86.360. CONSOLIDATION OF RETIREMENT SYSTEM CREATED BY SECTIONS 86.010 TO 86.193 WITH SYSTEM CREATED BY THIS LAW.** — The board of trustees provided for by section 86.213 is hereby authorized to consolidate, combine and transfer funds provided by sections 86.010 to 86.193 with the funds provided by sections 86.200 to [86.363] **86.366** in such a manner as will simplify the operations of the two systems. The accounts of all members of the two systems will be in the members' savings fund, and the pension accumulation fund will be in the general reserve fund. Separate records shall be maintained only to the extent necessary to determine and pay the benefits provided by sections 86.010 to 86.193 for those policemen electing not to become members of the retirement system provided by sections 86.200 to [86.363] **86.366**. The board of trustees may accept the membership records of the older system in lieu of the requirements in section 86.210. The board of trustees may authorize the use of the same actuarial assumptions and interest rate in the calculation of the contributions by the cities for both systems and the accrued liability rate may be a combined rate for both systems.

**86.364. CERTAIN SECTIONS TO TERMINATE, WHEN.** — All provisions of [sections 86.200, 86.203, 86.207, 86.253, 86.288, 86.343, 86.344 and 86.364] **this chapter** which authorize the granting of additional benefits or compensation to beneficiaries shall terminate upon the issuance of an opinion by the Missouri supreme court which would result in the state of Missouri being obligated or required to pay any such additional benefits or compensation even though such additional benefits or compensation is formally approved or authorized by the appropriate body of the city.

**86.365. SPECIAL ADVISORS, QUALIFICATIONS, COMPENSATION.** — Any person who served as a policeman for a period of thirty years and who retired prior to October 1, 1957, in the police department of any city having a population of over seven hundred thousand, under the provisions of this chapter, shall, upon application to the police department of that city, be employed by the department as a special advisor and supervisor in connection with city police problems. Any person so employed shall perform such duties as the chief of police directs and shall receive a salary of one

hundred dollars per month, payable out of the department budget pursuant to appropriations for the purpose; except that, the payment to the retired person for such services, together with the retirement benefits [he] **such retired person** receives under this chapter, shall not exceed two hundred dollars per month. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits under any provision of this chapter.

**86.366. RETIRED MEMBERS MADE SPECIAL ADVISORS, WHEN — COMPENSATION — APPLICANTS, PROCESSING.** — 1. The board of trustees shall by rule adopt a program whereby, in addition to any [other annuity,] retirement allowance, or compensation paid or payable under sections 86.200 to [86.363] **86.366**, any [retirant] **retired member** under such sections who is receiving ordinary service retirement benefits and who has not received a lump sum payment equal to [his] **the retired member's** contributions, shall upon application to the retirement system of the city and approval of the application by the board of trustees be made a special advisor to the retirement system and shall be paid as compensation for [his] services as special advisor a lump sum payment in an amount equal to the total amount of [his] **the retired member's** contributions to the retirement system, without interest, in the manner provided in subsection 2 **of this section**.

2. Within ninety days of August 28, 1990, the board of trustees shall establish a system of processing and approving qualified applicants for appointment and payment under this section. Application for appointment for special advisor to the retirement system must be made within one hundred eighty days of August 28, 1990. All qualified applicants shall be deemed appointed as of the date of their application, and shall be paid within one year of August 28, 1990.

3. Any diminishment of the [funds] **assets** of the system resulting from the compensation paid the special advisors to the retirement system provided for in sections 86.200 to [86.363] **86.366** shall result in an increase in the funding requirement as computed under section 86.330 and made an obligation of the city under sections 86.344 and 86.350.

**86.403. VOTING — QUORUM.** — Each member of the retirement board shall be entitled to one vote in the decisions of the board. Five votes **or more in favor** shall be necessary [for] **to pass** a [decision] **motion** by the retirement board at any meeting of the board.

**86.433. RETIREMENT AFTER THIRTY YEARS, EXCEPTION — MINIMUM PENSION.** — Any member [in service as a policeman for compensation or on authorized sick leave of not exceeding one year on June 15, 1946, or any member who shall enter service after that date,] may retire when [he] **such member** has completed twenty-five or more years of creditable service and, except as otherwise provided in this section, shall retire when [he] **such member** has completed thirty years of creditable service [and]. Upon such retirement [he] **such member** shall receive a pension equal to:

(1) **For a member retiring prior to August 28, 2000, two percent of such member's final compensation, as defined in section 86.370, multiplied by the number of years of such member's total creditable service; or**

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(2) **For a member retiring on or after August 28, 2000, two and one-half percent of [his] such member's final compensation, as defined in section 86.370, multiplied by the number of years of [his] such member's total creditable service. Such pension shall be not less than [one] seven thousand two hundred dollars annually and in any event shall not exceed [sixty] seventy- five percent of the member's final compensation. Any member who has completed thirty years of creditable service may continue in service by permission of the board of police commissioners on recommendation of the chief of police until [he] such member attains the age of sixty-five years. Contributions shall not be required of, and no service shall be credited to, any member [after] for more than thirty years of service.**

**86.437. RETIREMENT AT AGE SIXTY, WHEN — PENSION, HOW CALCULATED. —** Except as provided in section 86.443, any member in service [for compensation or on authorized sick leave of not exceeding one year on June 15, 1946, or who shall enter service after such date and] who shall have attained sixty years of age and at that time shall have completed at least [fifteen] **ten** but less than thirty years of creditable service, shall retire and shall receive an annual pension equal to:

(1) **For a member retiring prior to August 28, 2000, two percent of such member's final compensation, as defined in section 86.370, multiplied by the number of years of such member's total creditable service; or**

(2) **For a member retiring on or after August 28, 2000, two and one-half percent of [his] such member's final compensation as defined in section 86.370 multiplied by the number of years of [his] such member's total creditable service. [In no event, however, shall he receive less than nine hundred dollars annually. Except as provided in section 86.443, any member who shall have attained sixty years of age and shall have completed ten years but less than fifteen years of creditable service shall retire and receive an annual pension equal to two percent of his final compensation as defined in section 86.370 multiplied by the number of years of his creditable service. In no event shall he receive less than five dollars per month for each year of his creditable service or six hundred dollars annually, whichever may be greater.]**

**86.440. MINIMUM PENSIONS — SPECIAL CONSULTANT, DUTY, COMPENSATION, COST-OF-LIVING ADJUSTMENTS. —** Any member who retires after August 28, [1999] **2000**, who is entitled to a pension benefit pursuant to the provisions of sections 86.370 to 86.497 and who either has at least twenty-five years of creditable service or is retired as a result of an [accident] **injury** or illness occurring in the line of duty or course of employment pursuant to section 86.450, shall receive a pension benefit which, [when added to] **without including** any supplemental retirement benefits paid such member by this retirement system [and any cost-of-living adjustments to amounts otherwise payable by this system], shall be not less than six hundred dollars monthly. Any member who retires on or before August 28, [1999] **2000**, who is entitled to a pension benefit pursuant to the provisions of sections 86.370 to 86.497 and who either had at least twenty-five years of creditable service or was retired as a result of an [accident] **injury** or illness occurring in the line of duty or course of employment pursuant to section 86.450, shall upon application to the retirement board be appointed by the retirement board as a special consultant on the problems of retirement, aging

and other matters, and upon request of the retirement board shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be required. For such services the member shall, beginning the later of August 28, [1999] **2000**, or the time of such appointment under this section, be compensated in [such] **an** amount [as shall make the aggregate benefits received by such member from this retirement system,] **which without** including [cost-of-living adjustments and] **any** supplemental retirement benefits provided by this system, [together with compensation paid pursuant to this section, equal to] **shall be** not less than six hundred dollars monthly. **A pension benefit pursuant to this section shall be paid in lieu of such member's base pension as increased by cost-of-living adjustments granted pursuant to section 86.441. The benefit pursuant to this section shall not be subject to cost-of-living adjustments, but shall be terminated and replaced by the member's base pension and cost-of-living adjustments at such time as the total base pension and such adjustments exceed six hundred dollars monthly.**

**86.441. COST-OF-LIVING ADJUSTMENTS, HOW COMPUTED.** — 1. Any member who retires on a pension subsequent to August 13, 1972, may receive each year, beginning January 1, 1972, in addition to such member's base pension, a cost-of-living adjustment in an amount not to exceed three percent of [his] **such member's** base pension during any one year provided that the retirement pension system shall remain actuarially sound.

2. Any member who was retired on August 13, 1972, may receive each year, beginning January 1, 1986, in addition to such member's base pension, a cost-of-living adjustment in an amount not to exceed three percent of such base pension during any one year, provided that the retirement pension system shall remain actuarially sound.

3. If a member who has been retired and receiving a pension dies after September 28, 1987, the surviving spouse or children of such member entitled to receive a base pension pursuant to section 86.447 shall also receive a percentage cost-of-living adjustment to their respective base pension equal to the total percentage cost-of-living adjustments received during such member's lifetime pursuant to this section.

4. The cost-of-living adjustment shall be an increase or decrease computed on the base pension amount by [using the consumer price index to determine the percentage of increase or decrease] **the retirement board in an amount that the board, in its discretion, determines to be satisfactory**; but in no event shall the adjustment **be more than three percent or** reduce the pension to an amount less than the base pension. [The retirement board shall utilize the consumer price index for urban wage earners and clerical workers for Kansas City, Missouri, published by the Bureau of Labor Statistics, United States Department of Labor, in determining the percentage increment for such cost-of-living adjustment or, in the event such index is or becomes unavailable, the retirement board may select such other index as it in its discretion determines to be satisfactory.]

5. In determining and granting the cost-of-living adjustments, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for

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such adjustments to be determined once each year and granted on a date or dates to be chosen by the board and may apply such adjustments in full to members who have retired during the year prior to such adjustments but who have not been retired for one full year and to the surviving spouse or children of a member who has died during the year prior to such adjustments.

6. As used in this cost-of-living adjustment section, the term "base pension" shall mean, when used in connection with a member, the pension computed under the provisions of the law as of the date of retirement of the member without regard to cost-of-living adjustment and, when used in connection with a surviving spouse or children of a member, the pension computed under the provisions of the law as of the date of death of the member without regard to cost-of-living adjustment except as provided in section 86.447. For the purposes of subsections 1 and 2 of this section, the term "member" shall include a surviving spouse entitled to pension benefits from this retirement system [who has not remarried] and any children of the member who are entitled to receive part or all of the pension which would be received by a surviving spouse [who had not remarried or died] **if living**.

7. The determination of whether the retirement pension system will remain actuarially sound shall be made at the time any cost-of-living adjustment is granted. If at any time the retirement pension system becomes actuarially unsound, pension payments shall continue as adjusted by increases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member in good faith relied and acted upon advice of a qualified actuary that the retirement pension system would remain actuarially sound.

**86.442. SUPPLEMENTAL RETIREMENT BENEFITS, AMOUNTS, DETERMINATION, PURPOSE — MEMBER TO BE SPECIAL CONSULTANT, COMPENSATION — BOARD, POWERS — SURVIVING SPOUSE BENEFIT LIMITATIONS. —** 1. Any member who retires subsequent to August 28, 1991, with entitlement to a pension under sections 86.370 to 86.497, shall receive each month, in addition to such member's base pension, a supplemental retirement benefit in the amount of fifty dollars per month, for assistance in meeting hospitalization and medical care costs or other expenses. Any member who receives such a supplemental retirement benefit may also receive not more frequently than annually, in addition to a base pension, as may be adjusted pursuant to section 86.441, and supplemental retirement benefit, a cost-of-living adjustment to the supplemental retirement benefit, in monthly adjustment increments to be determined by the retirement board. Such determination shall be based on advice of the plan's actuary, that the increase in the benefit will not cause the present value of anticipated future plan benefits calculated on the actuarial assumptions used for the [last] **most recent** annual valuation, to exceed the sum of the trust fund assets plus the present value of anticipated contributions to the trust fund.

2. Any member who was retired on or before August 28, 1991, and is receiving retirement benefits from the retirement system, upon application to the retirement board, shall be made, constituted, appointed and employed by the retirement board as a special consultant on the problems of retirement, aging and other matters, for the remainder of such member's life, and upon request of the retirement board shall give opinions and be available to give opinions in writing or orally, in response to such

requests, as may be required. For such services such member shall be compensated monthly, in addition to a base pension, in the amount of fifty dollars per month. This employment shall in no way affect any member's eligibility for retirement benefits under the provisions of sections 86.370 to 86.497, or in any way have the effect of reducing retirement benefits otherwise payable to such member. Any member who receives such monthly compensation as a special consultant to the retirement board may also receive not more frequently than annually, beginning in 1992, in addition to such member's base pension, as may be adjusted pursuant to section 86.441, and monthly compensation as a special consultant to the retirement board, a cost-of-living adjustment to such monthly compensation, in monthly adjustment increments to be determined by the retirement board. Such determination shall be based on advice of the plan's actuary, that the increase in the benefit will not cause the present value of anticipated future plan benefits calculated on the actuarial assumptions used for the [last] **most recent** annual valuation, to exceed the sum of the trust fund assets plus the present value of anticipated future contributions to the trust fund.

3. In determining and granting cost-of-living adjustments under this section, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board and may apply such adjustments in full to members who have retired during the year prior to such adjustments but who have not been retired for one full year and to the surviving spouse of a member who has died during the year prior to such adjustments.

4. For the purposes of subsections 1 and 2 of this section, the term "member" shall include a surviving spouse [who has not remarried] **entitled to a pension benefit pursuant to sections 86.370 to 86.497**, but shall not include any children of the member who would be entitled to receive part or all of the pension which would be received by a surviving spouse [who had not remarried or died] **if living**. In determining whether the rights of any such surviving spouse are provided under subsection 1 or under subsection 2 of this section, the surviving spouse shall be deemed to have the date of retirement of the member of whom such person is the surviving spouse, **except that if the surviving spouse of any member who retired prior to August 28, 2000, shall not have remarried prior to August 28, 2000, but remarries thereafter, such surviving spouse shall thereafter receive benefits pursuant to subsection 2 of this section, and except further that no benefits shall be payable pursuant to this section to the surviving spouse of any member who retired prior to August 28, 2000, if such surviving spouse was at any time remarried prior to August 28, 2000.** Any such surviving spouse of a member who dies while entitled to payments under this section shall succeed to the full amount of payment under this section to which such member was entitled at the time of such member's death, including any cost-of-living adjustments received by such member in the payment hereunder prior to such member's death.

5. The determination of whether the retirement pension system will remain actuarially sound shall be made at the time any cost-of-living adjustment under this section is granted. If at any time the retirement pension system becomes actuarially

unsound, supplemental retirement benefit payments under subsection 1 of this section, and monthly compensation payments as a special consultant to the retirement board under subsection 2 of this section shall continue as adjusted by increases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member in good faith relied and acted upon advice of a qualified actuary that the retirement pension system would remain actuarially sound.

**86.447. PENSIONS OF DEPENDENTS OF DECEASED RETIRED MEMBERS — FUNERAL BENEFIT — SPECIAL CONSULTANT, DUTY, COMPENSATION. —** 1. Upon receipt of the proper proofs of death of a member in service for any reason whatever or of the death of a member after having been retired and pensioned, there shall be paid, in addition to all other benefits, the following:

(1) If a member dies while in service, such member's surviving spouse, if any, shall be paid a base pension equal to forty percent of the final compensation of such member, subject to subsequent adjustments, if any, as provided in section 86.441;

(2) If a member retires or terminates service after August 28, 1999, and dies after commencement of benefits pursuant to the provisions of sections 86.370 to 86.497, the member's surviving spouse, if any, shall be paid a base pension equal to eighty percent of the pension being received by such member, including cost-of-living adjustments to such pension but excluding supplemental retirement benefits, at the time of such member's death, subject to subsequent adjustments, if any, as provided in section 86.441;

(3) If a member retired or terminated service on or before August 28, 1999, and died after August 28, 1999, and after commencement of benefits, such member's surviving spouse shall upon application to the retirement board, be appointed and employed by the retirement board a special consultant on the problems of retirement, aging and other matters, and upon request of the retirement board shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be required. For such services, the surviving spouse shall, beginning the later of August 28, 1999, or the time of such appointment under this subsection, be compensated in such amount as shall make the benefits received by such surviving spouse pursuant to this subsection equal to eighty percent of the pension being received by such member, including cost-of-living adjustments to such pension but excluding supplemental retirement benefits, at the time of such member's death, subject to subsequent adjustments, if any, as provided in section 86.441;

(4) [For] **Upon the death of** any member who [retires or terminates] **is in** service after August 28, [1999] **2000**, and who either had at least twenty-five years of creditable service or was retired **or died** as a result of an [accident] **injury** or illness occurring in the line of duty or course of employment pursuant to section 86.450, the surviving spouse's benefit provided pursuant to this subsection, [when added to] **without including** any supplemental retirement benefits paid such surviving spouse by this retirement system [and any cost-of-living adjustments to amounts otherwise payable by the retirement system], shall not be less than six hundred dollars per month. For any member who **dies**, retires or terminates service on or before August 28, [1999] **2000**, and who either had at least twenty-five years of creditable service or was retired

or died as a result of an [accident] **injury** or illness occurring in the line of duty or course of employment pursuant to section 86.450, the surviving spouse shall upon application to the retirement board be appointed by the retirement board as a special consultant on the problems of retirement, aging and other matters, and upon request of the retirement board shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be required. For such services, the surviving spouse, shall, beginning the later of August 28, [1999] **2000**, or the time the appointment is made pursuant to this subsection, be compensated in [such] **an** amount [as shall make the aggregate benefits received by such surviving spouse from this retirement,] **which without** including [cost-of-living adjustments and] supplemental retirement benefits provided by this system, [together with compensation paid pursuant to this section, equal to] **shall be** not less than six hundred dollars [per month] **monthly. A pension benefit pursuant to this subdivision shall be paid in lieu of any base pension as increased by cost-of-living adjustments granted pursuant to section 86.441. The benefit pursuant to this subdivision shall not be subject to cost-of-living adjustments, but shall be terminated and replaced by the base pension and cost-of-living adjustments to which such spouse would otherwise be entitled at such time as the total base pension and such adjustments exceed six hundred dollars monthly;**

(5) Such member's child or children under the age of eighteen years at the time of the member's decease, shall be paid fifty dollars per month each, subject to adjustments, if any, as provided in section 86.441, until he or she shall attain the age of eighteen years; however, each such child who is or becomes a full-time student at an accredited educational institution shall continue to receive payments hereunder for so long as such child shall remain such a full-time student or shall be in a summer or other vacation period scheduled by the institution with intent by such child, demonstrated to the satisfaction of the retirement board, to return to such full-time student status upon the resumption of the institution's classes following such vacation period, but in no event shall such payments be continued after such child shall attain the age of twenty-one years except as hereinafter provided. Any child eighteen years of age or older, who is physically or mentally incapacitated from wage earning, so long as such incapacity exists as certified by a member of the medical board, shall be entitled to the same benefits as a child under the age of eighteen;

(6) A funeral benefit of one thousand dollars.

2. For the purposes of this section, "commencement of benefits" shall begin, for any benefit, at such time as all requirements have been met entitling the member to a payment of such benefit at the next following payment date, disregarding advance notice periods required by any paying agent for physical preparation of the payment, so that a member who dies between the date all such requirements are met and the date when the system would have delivered such member's initial payment shall be deemed to have commenced such benefit.

3. If there is no person qualified to receive a pension as a surviving spouse or if a surviving spouse [remarries or] dies, the total amount which would be received by a qualified surviving spouse or which is being received by the surviving spouse at the date of [the remarriage or] death of such surviving spouse shall be added to the amounts received by and shall be divided among the children under the age of eighteen

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years and the incapacitated children in equal shares. As each child attains the age of eighteen years or has [his] **such** incapacity removed, the total of the surviving spouse's pension shall then be added to and divided among the remaining children, and when there is only one child under the age of eighteen years or incapacitated, whether such child is the sole surviving child of the member or the youngest child of several children, the total amount of the surviving spouse's pension shall be paid to the child until [he] **such child** reaches the age of eighteen years or [his] **such** incapacity is removed.

4. (1) **The surviving spouse of a member who retired or died prior to August 28, 1997, shall not be entitled to receive benefits or the payment of a pension pursuant to sections 86.370 to 86.497 unless marriage to the member occurred at least two years before the member's retirement or at least two years before the death of the member while in service; provided, that no benefits shall be denied pursuant to this subsection to the surviving spouse of a member whose death occurred in the line of duty or from an occupational disease arising out of and in the course of the member's employment.**

(2) **No surviving spouse of a member who retired or died while in service after August 28, 1997, and before August 28, 2000, shall be entitled to receive any benefits pursuant to this section unless such spouse was married to the member at the time of the member's retirement or death while in service. [All benefits provided pursuant to this section for an eligible surviving spouse shall terminate upon remarriage of such surviving spouse.]**

(3) **Any surviving spouse who would qualify for benefits pursuant to subdivisions (1) or (2) of this subsection and who has not remarried prior to August 28, 2000, but remarries thereafter, shall upon application to the retirement board be appointed by the retirement board as a special consultant on the problems of retirement, aging and other matters, and upon request of the retirement board shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be required. For such services, such surviving spouse shall be compensated in an amount equal to the benefits such spouse would have received pursuant to sections 86.370 to 86.497 in the absence of such remarriage.**

(4) **No surviving spouse of a member who retires or dies in service after August 28, 2000, shall be entitled to receive any benefits pursuant to sections 86.370 to 86.497 unless such spouse was married to the member at the time of the member's retirement or death in service. Any surviving spouse who was married to such a member at the time of the member's retirement or death in service shall be entitled to all benefits for surviving spouses pursuant to sections 86.370 to 86.497 for the life of such surviving spouse without regard to remarriage.**

5. If no benefits are otherwise payable to a surviving spouse or child of a deceased member, the member's accumulated contributions, to any extent not fully paid to such member prior to the member's death or to the surviving spouse or child of such member, shall be paid in one lump sum to the member's named beneficiary or, if none, to the member's estate.

6. For purposes of this section, a determination of whether a child of a member is physically or mentally incapacitated from wage earning so that the child is entitled

to benefits under this section shall be made at the time of the member's death. If a child becomes incapacitated after the member's death, or if a child's incapacity existing at the member's death is removed and such child later becomes incapacitated again, such child shall not be entitled to benefits as an incapacitated child under the provisions of this section. A child shall be deemed incapacitated only for so long as the incapacity existing at the time of the member's death continues.

**86.483. INVESTMENT OF FUNDS, BOARD AUTHORIZED TO MANAGE, DESIGNATE DEPOSITORY — PROCEDURES.** — 1. The retirement board shall act as trustee of the funds created by or collected pursuant to the provisions of sections 86.370 to 86.497. With appropriate safeguards against loss by the retirement system, the board may designate one or more banks or trust companies to serve as a depository of retirement system funds and intermediary in the investment of those funds and payment of system obligations. The board shall promptly deposit the funds with any such designated bank or trust company.

2. The retirement board shall have power, in the name and on behalf of the retirement pension system, to purchase, acquire, hold, invest, lend, lease, sell, assign, transfer and dispose of all property, rights, and securities, and enter into written contracts, all as may be necessary or proper to carry out the purposes of sections 86.370 to 86.497. No investment transaction authorized by the retirement board shall be handled by any company or firm in which a member of the board has an interest, nor shall any member of the board profit directly or indirectly from any such investment. All investments shall be made for the account of the retirement system, and any securities or other properties obtained by the retirement board may be held by a custodian in the name of the retirement system, or in the name of a nominee in order to facilitate the expeditious transfer of such securities or other properties. Such securities or other properties may be held by such custodian in bearer form or in book entry form. The retirement system is further authorized to deposit, or have deposited for its account, eligible securities in a central depository system or clearing corporation or in a federal reserve bank under a book entry system as defined in the uniform commercial code, sections 400.8-102 and 400.8-109, RSMo. When such eligible securities of the retirement system are so deposited with the central depository system they may be merged and held in the name of the nominee of such securities depository and title to such securities may be transferred by bookkeeping entry on the books of such securities depository or federal reserve bank without physical delivery of the certificates or documents representing such securities.

3. The income from investments shall be credited at least annually to the funds of the retirement system. All payments from the funds shall be made by the bank or trust company only upon orders signed by the secretary and treasurer of the retirement board. No order shall be drawn unless it shall have previously been allowed by resolution of the retirement board. **In the case of payments for services, supplies or similar items in the ordinary course of business, such board resolutions may be ongoing generalized authorizations, provided that each payment shall be reported to the board at its next following meeting and shall be subject to ratification and approval by the board.** All bonds or securities acquired and held by the retirement board shall be kept in a safe-deposit box, and access thereto shall be

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had only by the secretary and treasurer, jointly; except that, the retirement board may contract with a bank or trust company to act as the custodian of the bonds and securities, in which case the retirement board may authorize its secretary and treasurer, jointly, to order purchases, loans or sales of investments by such custodian bank or trust company.

**86.493. MONEYS EXEMPT FROM TAXATION AND PROCESS, EXCEPT FOR SUPPORT ORDERS AND ASSIGNMENTS.** — The right of any person to pension or pensions, to the return of contributions, disability or death benefits or any other right accrued or accruing to any person under the provisions of sections 86.370 to 86.497 and the moneys in the various funds created under sections 86.370 to 86.497 are hereby exempt from any tax of the state of Missouri or of any municipality or political subdivision thereof, and shall not be subject to execution, garnishment, attachment or any other process whatsoever and shall be unassignable except as specifically provided in sections 86.370 to 86.497, and except for court orders or assignments approved by a court to provide support for family members or a former spouse of any person entitled to benefits under sections 86.370 to 86.497. **A revocable request or authorization by a member or a beneficiary to withhold and apply for the requester's convenience some portion or all of a benefit payment, such as a request to apply some portion of a benefit payment to a medical insurance premium, shall not be deemed an assignment prohibited under this section provided that any such request shall remain revocable at all times except as to payments or withholdings effected prior to any such revocation. The retirement system may, but shall not be obligated to, comply with any such request.**

**86.675. COST-OF-LIVING ADJUSTMENT — TERMS DEFINED.** — 1. Any member who is entitled to a pension under sections 86.600 to 86.790 may receive, in addition to [his] **such member's** base pension, a cost-of-living adjustment in an amount not to exceed three percent of [his] **such** base pension during any one year, provided that the retirement system shall remain actuarially sound. The determination of whether the retirement system will remain actuarially sound shall be made at the time such cost-of-living adjustment is granted. If at any time the retirement system becomes actuarially unsound, pension payments shall continue as adjusted by increases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this subsection if that retirement board member in good faith relied and acted upon advice of a qualified actuary that the retirement system would remain actuarially sound.

2. The cost-of-living adjustment provided by this section shall be an increase or decrease computed on the base pension amount by [using the consumer price index to determine the percentage of increase or decrease; but in no event shall the adjustment reduce the pension to an amount less than the base pension. The retirement board shall utilize the consumer price index for urban wage earners and clerical workers for Kansas City, Missouri, published by the Bureau of Labor Statistics of the United States Department of Labor, in determining the percentage increment for such cost-of-living adjustment or, in the event such index is or becomes unavailable, the retirement board may select such other index as it] **the retirement board in an amount that the**

**board**, in its discretion, determines to be satisfactory; **but in no event shall the adjustment be more than three percent or reduce the pension to an amount less than the base pension.**

3. In determining and granting the cost-of-living adjustments provided by this section, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board, and may apply such adjustments in full to members who have retired during the year prior to such adjustments but who have not been retired for one full year.

4. As used in this section, the term "base pension" shall mean the pension computed under the provisions of the law as of the date of retirement of the member without regard to cost-of-living adjustment. As used in this section, the term "member" shall include:

- (1) A surviving spouse who has not remarried;
- (2) Any children of a member who are entitled to receive part or all of the pension which would be received by a surviving spouse who had not remarried or died; and
- (3) A surviving spouse (whether or not remarried) who is receiving an optional annuity pursuant to an election [under subdivision (2) of] **pursuant to subsection [1] 2 of section 86.650.**

**86.730. RETIREMENT BOARDS — VOTES — RECORDS AND REPORTS — SEAL.**

— 1. Each member of the retirement board shall be entitled to one vote in the decisions of the board. [Four] **Five votes or more in favor** shall be necessary [for] **to pass** a [decision] **motion** by the retirement board at any meeting of the board.

2. The retirement board shall keep in convenient form the data necessary for the administration of the retirement system. The retirement board shall keep a record of all its proceedings which shall be open to public inspection. It shall publish annually in pamphlet form a report prepared by certified public accountants showing the fiscal transactions of the retirement system for the preceding fiscal year, the status of assets and liabilities and the amount of cash on hand. One copy of the annual report shall be delivered to each member of the retirement system, one copy to each member of the retirement board, one copy shall be filed with the city clerk and one copy delivered to each member of the board of police commissioners. The retirement board shall cause an actuarial study and calculation to be made in 1968 based upon the experiences of the retirement system by an independent firm of pension actuaries and shall cause actuarial studies and calculations to be made each five years thereafter.

3. The retirement board shall before January tenth of each year certify to the chief financial officer of the city the amount to be paid by the city under the retirement pension system for the succeeding fiscal year.

4. The retirement board shall adopt a common seal. The retirement board may sue and be sued in its own name and the suits shall constitute suits by or against the members of the retirement board in their representative capacities and not as individuals.



**86.750. BOARD SHALL BE TRUSTEES OF FUNDS — POWERS AND DUTIES. — 1.**

The retirement board shall act as trustee of the funds created by or collected pursuant to the provisions of sections 86.600 to 86.790. With appropriate safeguards against loss by the retirement system, the board may designate one or more banks or trust companies to serve as a depository of retirement system funds and intermediary in the investment of those funds and payment of system obligations. The board shall promptly deposit the funds with any such designated bank or trust company.

2. The retirement board shall have power, in the name and on behalf of the retirement pension system, to purchase, acquire, hold, invest, lend, lease, sell, assign, transfer and dispose of all property, rights, and securities, and enter into written contracts, all as may be necessary or proper to carry out the provisions of sections 86.600 to 86.790. No investment transaction authorized by the retirement board shall be handled by any company or firm in which a member of the board has an interest, nor shall any member of the board profit directly or indirectly from any such investment. All investments shall be made for the account of the retirement system, and any securities or other properties obtained by the retirement board may be held by the custodian in the name of the retirement system, or in the name of the nominee in order to facilitate the expeditious transfer of such securities or other property. Such securities or other properties may be held by such custodian in bearer form or in book entry form. The retirement system is further authorized to deposit, or have deposited for its account, eligible securities in a central depository system or clearing corporation or in a federal reserve bank under a book entry system as defined in the uniform commercial code, sections 400.8-102 and 400.8-109, RSMo. When such eligible securities of the retirement system are so deposited with the central depository system they may be merged and held in the name of the nominee of such securities depository and title to such securities may be transferred by bookkeeping entry on the books of such securities depository or federal reserve bank without physical delivery of the certificates or documents representing such securities.

3. The income from investments shall be credited at least annually to the funds of the retirement system. All payments from the funds shall be made by the bank or trust company only upon orders signed by the secretary and treasurer of the retirement board. No order shall be drawn unless it shall have previously been allowed by resolution of the retirement board. **In the case of payments for services, supplies or similar items in the ordinary course of business, such board resolutions may be ongoing generalized authorizations, provided that each payment shall be reported to the board at its next following meeting and shall be subject to ratification and approval by the board.** All bonds or securities acquired and held by the retirement board shall be kept in a safe-deposit box, and access thereto shall be had only by the secretary and treasurer, jointly; except that, the retirement board may contract with a bank or trust company to act as a custodian of the bonds and securities, in which case the retirement board may authorize its secretary and treasurer, jointly, to order purchases, loans or sales of investments by such custodian bank or trust company.

**86.770. CONTRIBUTIONS CREDITED TO SYSTEM — BENEFITS, EXPENSES — EMPLOYER OBLIGATION. —** All employer and member contributions or other

payments to the retirement system and all income from investments shall be credited to the funds of the retirement system. All benefits and all necessary administrative expenses of the retirement system shall be paid from the funds of the retirement system. The payment of the benefits granted under the provisions of sections 86.600 to 86.790, and the expense in connection with the operation of the retirement system are hereby made obligations of the employer. All payments from the funds of the retirement system shall be made only upon voucher signed by two persons designated by the retirement board. No voucher shall be drawn unless it has been previously approved by the retirement board, **either specifically or on an ongoing generalized basis as permitted by subsection 3 of section 86.750.**

**86.780. BENEFITS EXEMPT FROM EXECUTION — NOT ASSIGNABLE, EXCEPT FOR SUPPORT OBLIGATIONS.** — The right of any person to a benefit accruing under the provisions of sections 86.600 to 86.790 and to the moneys in the various funds created under sections 86.600 to 86.790 shall not be subject to execution, garnishment, attachment, or to any other process whatsoever and the right shall be unassignable except as specifically provided in sections 86.600 to 86.790 and except for court orders or assignments approved by a court to provide support for family members or a former spouse of any person entitled to benefits under sections 86.600 to 86.790. **A revocable request or authorization by a member or a beneficiary to withhold and apply for the requester's convenience some portion or all of a benefit payment, such as a request to apply some portion of a benefit payment to a medical insurance premium, shall not be deemed an assignment prohibited pursuant to this section provided that any such request shall remain revocable at all times except as to payments or withholdings effected prior to any such revocation. The retirement system may, but shall not be obligated to, comply with any such request.**

**87.120. DEFINITIONS.** — The following words and phrases as used in sections 87.120 to 87.370, unless a different meaning is plainly required by the context, have the following meanings:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' savings fund together with interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of such mortality tables and interest rate as shall be adopted by the board of trustees;

(3) "Average final compensation", the average earnable compensation of the member during his last two years of service as a fireman, or if he has less than two years of service, then the average earnable compensation of his entire period of service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit as provided by sections 87.120 to 87.370;

(5) "Benefit reserve", the present value of all payments to be made on account of any retirement allowance or benefit in lieu of a retirement allowance upon the basis of such mortality tables and interest rate as shall be adopted by the board of trustees;

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- (6) "Board of trustees", the board provided for in section 87.140 to administer the retirement system;
- (7) "City", any city [of six hundred thousand inhabitants or more] **not within a county and** adopting the retirement system provided by sections 87.120 to 87.370;
- (8) "Creditable service", prior service plus membership service as provided in section 87.135;
- (9) "DROP", the deferred retirement option plan provided in section 87.182;
- (10) "Earnable compensation", the regular compensation which a member would earn during one year on the basis of the stated compensation for his rank or position;
- (11) "Fireman", any officer or employee of the fire department of the city employed by the city for the duty of fighting fires, but does not include anyone employed in a clerical or other capacity not involving firefighting duties. In case of doubt as to whether any person is a fireman within the meaning of sections 87.120 to 87.370, the decision of the board of trustees shall be final;
- (12) "Medical board", the board of physicians provided for in section 87.160;
- (13) "Member", a member of the retirement system as defined by section 87.130;
- (14) "Membership service", service as a fireman rendered since last becoming a member;
- (15) "Prior service", all service as a fireman rendered prior to the date the system becomes operative which is creditable in accordance with the provisions of section 87.135;
- (16) "Retirement allowance", annual payments for life which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon retirement or to a beneficiary;
- (17) "Retirement system", the firemen's retirement system of any city as defined in section 87.125;
- (18) "Widow", the surviving spouse of a member.

**[87.176. SPECIAL ADVISORS TO RETIREMENT SYSTEM, QUALIFICATIONS — REPAYMENT OF CONTRIBUTION, PROCEDURE. —** 1. In addition to any other annuity or retirement allowance paid or payable under sections 87.120 to 87.370, any retirant who is receiving benefits as a result of retirement prior to October 1, 1982, and any member of the system who ceased to be a member prior to October 1, 1982, and has vested retirement benefits may, upon application to the firemen's retirement system, be made a special advisor to the retirement system. Upon the acceptance of such application, the retirant shall be repaid the total amount of the member's contribution to the system without interest. Upon the approval of this statute, the board of trustees of the system may establish a staggered system of processing qualified applicants, which staggered system of accepting and processing of applications shall not exceed three years to complete, and which staggered system shall be structured to address all classes of entitlement as set forth in this section. The staggered system of processing shall consider first those applicants having been retired from the system the longest period of time, and chronologically thereafter the next longest until the most recent retirants shall be considered, which most recent retirees within said staggered system shall be last entitled to have their applications for benefits considered.

2. Any refund of contributions paid under subsection 1 of this section shall be withdrawn from the general fund of the firemen's retirement system and no moneys shall be withdrawn from the general revenue fund of the city.]

**87.230. WIDOW MAY SERVE AS SPECIAL CONSULTANT, WHEN, COMPENSATION, DUTIES.** — 1. Any widow who is receiving retirement benefits, upon application to the board of trustees of the retirement system, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, [or] **for** the remainder of her life, and upon request of the board, give opinions, and be available to give opinions in writing, or orally, in response to such request, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly retirement benefits being received, shall not exceed fifty percent of the deceased member's average final compensation or [two hundred dollars] **seventy- five percent of the federal poverty level for a single person as set and updated by the United States Department of Health and Human Services or its successor agency**, whichever is greater.

2. This compensation shall be consolidated with any other retirement benefits payable to such widow, and shall be paid in the manner and from the same fund as her other retirement benefits under this chapter, and shall be treated in all aspects under the laws of this state as retirement benefits paid pursuant to this chapter.

3. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits under this chapter, or in any way have the effect of reducing retirement benefits, anything to the contrary notwithstanding.

**87.237. RETIREE TO BECOME SPECIAL ADVISOR, WHEN, COMPENSATION.** — 1. Any person who served as a fireman and who is retired and receiving a retirement allowance of less than [three hundred and fifty dollars per month] **one hundred percent of the federal poverty level for a single person as set and updated by the United States Department of Health and Human Services or its successor agency** may act as a special advisor to the retirement system.

2. For the additional service as a special advisor, each retired person shall receive, in addition to the retirement allowance provided under this chapter, an additional amount, which amount, together with the retirement allowance he is receiving under other provisions of this chapter, shall equal, but not exceed, [three hundred fifty dollars per month] **one hundred percent of the federal poverty level for a single person as set and updated by the United States Department of Health and Human Services or its successor agency**. Any retirement allowance paid to a retiree under this subsection shall be withdrawn from the firemen's retirement and relief system fund and no moneys shall be withdrawn from the general revenue fund of any city not within a county.

**103.085. TERMINATION OF COVERAGE, WHEN, EXCEPTIONS, CERTAIN PERSONS MAY CHOOSE TO CONTINUE COVERAGE, REQUIREMENTS.** — Except as otherwise provided by sections 103.003 to 103.175, medical benefits coverage as provided by sections 103.003 to 103.175 shall terminate when the member ceases to be an active

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employee; except persons receiving or entitled to receive an annuity or retirement benefit or disability benefit or the spouse of or unemancipated children of deceased persons receiving or entitled to receive an annuity or retirement benefit or disability benefit from the state, participating member agency, institution, political subdivision or governmental entity may elect to continue coverage, provided the individuals to be covered have been continuously covered for [the] **health care** benefits [under sections 103.003 to 103.175 for at least the shorter of]:

(1) [Two years prior to the date of death or disability of the member or his] **Under a separate group or individual policy for the six-month period immediately preceding the member's date of death or disability** or eligibility for normal or early retirement; or

(2) **Pursuant to sections 103.003 to 103.175, since the effective date of the most recent open enrollment period prior to the member's date of death or disability or eligibility for normal or early retirement; or**

(3) From the initial date of eligibility for the benefits provided by sections 103.003 to 103.175.

Cost for coverage continued [under] **pursuant to** this section shall be determined by the board. If an eligible person does not elect to continue the coverage within thirty-one days of the first day of the month following the date on which the eligible person ceases to be an employee, he **or she** may not later elect to be covered [under] **pursuant to** this section.

**104.010. DEFINITIONS.** — 1. The following words and phrases as used in sections 104.010 to 104.800, unless a different meaning is plainly required by the context, shall mean:

(1) "Accumulated contributions", the sum of all deductions for retirement benefit purposes from a member's compensation which shall be credited to the member's individual account and interest allowed thereon;

(2) "Active armed warfare", any declared war, or the Korean or Vietnamese conflict;

(3) "Actuarial equivalent", a benefit which, when computed upon the basis of actuarial tables and interest, is equal in value to a certain amount or other benefit;

(4) "Actuarial tables", the actuarial tables approved and in use by a board at any given time;

(5) "Actuary", the actuary who is a member of the American Academy of Actuaries or who is an enrolled actuary under the Employee Retirement Income Security Act of 1974 and who is employed by a board at any given time;

(6) "Annuity", annual payments, made in equal monthly installments, to a retired member from funds provided for in, or authorized by, this chapter;

(7) "Average compensation", the average compensation of a member for the thirty-six consecutive months of service prior to retirement when the member's compensation was greatest; or if the member is on workers' compensation leave of absence or a medical leave of absence due to an employee illness, the amount of compensation the member would have received may be used, as reported and verified by the employing department; or if the member had less than thirty-six months of service, the average annual compensation paid to the member during the period up to

thirty-six months for which the member received creditable service when the member's compensation was the greatest; or if the member is on military leave, the amount of compensation the member would have received may be used as reported and verified by the employing department or, if such amount is not determinable, the amount of the employee's average rate of compensation during the twelve-month period immediately preceding such period of leave, or if shorter, the period of employment immediately preceding such period of leave;

(8) "Beneficiary", any person entitled to or nominated by a member or retiree who may be legally entitled to receive benefits pursuant to this chapter;

(9) "Biennial assembly", the completion of no less than two years of creditable service or creditable prior service by a member of the general assembly;

(10) "Board of trustees", "board", or "trustees", a board of trustees as established for the applicable system pursuant to this chapter;

(11) "Chapter", sections 104.010 to 104.800;

(12) "Compensation":

(a) All salary and wages payable out of any state, federal, trust, or other funds to an employee for personal services performed for a department; but including only amounts for which contributions have been made in accordance with section 104.436, or section 104.070, whichever is applicable, and excluding any nonrecurring single sum payments or amounts paid after the member's termination of employment unless such amounts paid after such termination are a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000, or any other one-time payments made as a result of such payroll system;

(b) All salary and wages which would have been payable out of any state, federal, trust or other funds to an employee on workers' compensation leave of absence during the period the employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department;

(c) Effective December 31, 1995, compensation in excess of the limitations set forth in Internal Revenue Code Section 401(a)(17) shall be disregarded. The limitation on compensation for eligible employees shall not be less than the amount which was allowed to be taken into account under the system as in effect on July 1, 1993. For this purpose, an "eligible employee" is an individual who was a member of the system before the first plan year beginning after December 31, 1995;

(13) "Consumer price index", the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by a board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency;

(14) "Creditable prior service", the service of an employee which was either rendered prior to the establishment of a system, or prior to the date the employee last became a member of a system, and which is recognized in determining the member's eligibility and for the amount of the member's benefits under a system;

(15) "Creditable service", the sum of membership service and creditable prior service, to the extent such service is standing to a member's credit as provided in this chapter; **except that in no case shall more than one day of creditable service or**

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**creditable prior service be credited any member for any one calendar day of eligible service credit as provided by law;**

(16) "Deferred normal annuity", the annuity payable to any former employee who terminated employment as an employee or otherwise withdrew from service with a vested right to a normal annuity, payable at a future date;

(17) "Department", any department, institution, board, commission, officer, court, or any agency of the state government receiving state appropriations, including allocated funds from the federal government, and having power to certify payrolls authorizing payments of salary or wages against appropriations made by the federal government or the state legislature from any state fund, or against trusts or allocated funds held by the state treasurer;

(18) "Disability benefits", benefits paid to any employee while totally disabled as provided in this chapter;

(19) "Early retirement age", a member's attainment of fifty-five years of age and the completion of ten or more years of creditable service, except for uniformed members of the water patrol;

(20) "Employee":

(a) Any elective or appointive officer or person employed by the state who is employed, promoted or transferred by a department into a new or existing position and earns a salary or wage in a position normally requiring the performance by the person of duties during not less than one thousand hours per year, including each member of the general assembly but not including any patient or inmate of any state, charitable, penal or correctional institution. However, persons who are members of the public school retirement system and who are employed by a state agency other than an institution of higher learning shall be deemed employees for purposes of participating in all insurance programs administered by a board established pursuant to section 104.450. This definition shall not exclude any employee as defined in this subdivision who is covered only under the federal Old Age and Survivors' Insurance Act, as amended. As used in this chapter, the term "employee" shall include:

a. Persons who are currently receiving annuities or other retirement benefits from some other retirement or benefit fund, so long as they are not simultaneously accumulating creditable service in another retirement or benefit system which will be used to determine eligibility for or the amount of a future retirement benefit;

b. Persons who have elected to become or who have been made members of a system pursuant to section 104.342;

(b) Any person who has performed services in the employ of the general assembly or either house thereof, or any employee of any member of the general assembly while acting in the person's official capacity as a member, and whose position does not normally require the person to perform duties during at least one thousand hours per year, with a month of service being any monthly pay period in which the employee was paid for full-time employment for that monthly period;

(c) "Employee" does not include special consultants employed pursuant to section 104.610;

(d) As used in this chapter, the hours governing the definition of employee shall be applied only from August 13, 1988, forward;

(21) "Employer", a department of the state;

(22) "Executive director", the executive director employed by a board established pursuant to the provisions of this chapter;

(23) "Fiscal year", the period beginning July first in any year and ending June thirtieth the following year;

(24) "Full biennial assembly", the period of time beginning on the first day the general assembly convenes for a first regular session until the last day of the following year;

(25) "Fund", the benefit fund of a system established pursuant to this chapter;

(26) "Interest", interest at such rate as shall be determined and prescribed from time to time by a board;

(27) "Member", as used in sections 104.010 to [104.270] **104.272** or 104.600 to 104.800 shall mean a member of the **highways and** transportation [department] **employees'** and highway patrol retirement system without regard to whether or not the member has been retired. "Member", as used in sections 104.010 and [104.320] **104.312** to 104.800, shall mean a member of the Missouri state employees' retirement system without regard to whether or not the member has been retired;

(28) "Membership service", the service after becoming a member that is recognized in determining a member's eligibility for and the amount of a member's benefits under a system;

(29) "Military service", all active service performed in the United States Army, Air Force, Navy, Marine Corps, Coast Guard, and members of the United States Public Health Service or any women's auxiliary thereof; and service in the Army national guard and Air national guard when engaged in active duty for training, inactive duty training or full-time national guard duty, and service by any other category of persons designated by the President in time of war or emergency;

(30) "Normal annuity", the annuity provided to a member upon retirement at or after the member's normal retirement age;

(31) "Normal retirement age", an employee's attainment of sixty-five years of age and the completion of four years of creditable service or the attainment of age sixty-five years of age and the completion of five years of creditable service by a member who has terminated employment and is entitled to a deferred normal annuity or the member's attainment of age sixty and the completion of fifteen years of creditable service, except that normal retirement age for uniformed members of the highway patrol shall be fifty-five years of age and the completion of four years of creditable service and uniformed employees of the water patrol shall be fifty-five years of age and the completion of four years of creditable service or the attainment of age fifty-five and the completion of five years of creditable service by a member of the water patrol who has terminated employment and is entitled to a deferred normal annuity and members of the general assembly shall be fifty-five years of age and the completion of three full biennial assemblies. Notwithstanding any other provision of law to the contrary, a member of the [Missouri] **highways and** transportation [department] **employees'** and highway patrol retirement system or a member of the Missouri state employees' retirement system shall be entitled to retire with a normal annuity and shall be entitled to elect any of the survivor benefit options and shall also be entitled to any other provisions of this chapter that relate to retirement with a

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normal annuity if the sum of the member's age and creditable service equals eighty years or more and if the member is at least fifty years of age;

(32) "Payroll deduction", deductions made from an employee's compensation;

(33) "Prior service credit", the service of an employee rendered prior to the date the employee became a member which service is recognized in determining the member's eligibility for benefits from a system but not in determining the amount of the member's benefit;

(34) "Reduced annuity", an actuarial equivalent of a normal annuity;

(35) "Retiree", a member who is not an employee and who is receiving an annuity from a system pursuant to this chapter;

(36) "System" or "retirement system", the **highways and** transportation [department] employees' and highway patrol retirement system, as created by sections 104.010 to 104.270, or sections 104.600 to 104.800, or the Missouri state employees' retirement system as created by sections 104.320 to 104.800;

(37) "Uniformed members of the highway patrol", the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals, and patrolmen of the Missouri state highway patrol who normally appear in uniform;

(38) "Uniformed members of the water patrol", employees of the Missouri state water patrol of the department of public safety who are classified as water patrol officers who have taken the oath of office prescribed by the provisions of chapter 306, RSMo, and who have those peace officer powers given by the provisions of chapter 306, RSMo;

(39) "Vesting service", the sum of a member's prior service credit and creditable service which is recognized in determining the member's eligibility for benefits under the system.

2. Benefits paid pursuant to the provisions of this chapter shall not exceed the limitations of Internal Revenue Code Section 415, the provisions of which are hereby incorporated by reference.

**104.090. NORMAL ANNUITY OF RETIRED MEMBER — ADDITIONAL ALLOWANCE TO PATROLMEN, QUALIFICATIONS — SURVIVORSHIP OPTIONS — OPTION SELECTED PRIOR TO RETIREMENT, DEATH OF SPOUSE, EFFECT.** — 1. The normal annuity of a member shall equal one and six-tenths percent of the average compensation of the member multiplied by the number of years of creditable service of such member. In addition, the normal annuity of a uniformed member of the patrol shall be increased by thirty-three and one-third percent.

2. In addition, a uniformed member of the highway patrol who is retiring with a normal annuity after attaining normal retirement age shall receive an additional sum of ninety dollars per month as a contribution by the system until such member attains the age of sixty-five years, when such contribution shall cease. To qualify for the contribution provided in this subsection by the system, the retired uniformed member of the highway patrol is made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. Such additional contribution shall be reduced each month by such amount earned by the retired uniformed member of the highway patrol in gainful employment. In order to

qualify for the additional contribution provided in this subsection, the retired uniformed member of the highway patrol shall have been:

- (1) Hired by the Missouri state highway patrol prior to January 1, 1995; and
- (2) Employed by the Missouri state highway patrol or receiving long-term disability or work-related disability benefits on the day before the effective date of the member's retirement.

3. In lieu of the annuity payable to the member pursuant to section 104.100, a member whose age at retirement is fifty or more may elect in the member's application for retirement to receive either:

Option 1. An actuarial reduction approved by the board of the member's annuity in reduced monthly payments for life during retirement with the provision that upon the member's death the reduced annuity at date of death shall be continued throughout the life of, and be paid to, the member's spouse; or

Option 2. The member's normal annuity in regular monthly payments for life during retirement with the provision that upon the member's death a survivor's benefit equal to one-half the member's normal annuity at date of death shall be paid to the member's spouse in regular monthly payments for life; or

Option 3. An actuarial reduction approved by the board of normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member's having received one hundred twenty monthly payments of the member's reduced annuity, the member's reduced allowance to which the member would have been entitled had the member lived shall be paid for the remainder of the one hundred twenty-month period to such person as the member shall have nominated by written designation duly executed and filed with the board. If there is no beneficiary surviving the retirant, the reserve for such allowance for the remainder of such one hundred twenty-month period shall be paid to the retirant's estate; or

Option 4. An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member having received sixty monthly payments of the member's reduced annuity, the member's reduced allowance to which the member would have been entitled had the member lived shall be paid for the remainder of the sixty-month period to such person as the member shall have nominated by written designation duly executed and filed with the board. If there is no beneficiary surviving the retirant, the reserve for such allowance for the remainder of such sixty-month period shall be paid to the retirant's estate.

4. The election may be made only in the application for retirement, and such application shall be filed at least thirty days, but not more than ninety days prior to the date on which the retirement of the member is to be effective, provided that if either the member or the spouse nominated to receive the survivorship payment dies before the effective date of retirement, the election shall not be effective. If after the reduced annuity commences, the spouse predeceases the retired member, the reduced annuity continues to the retired member during the member's lifetime.

**5. Effective July 1, 2000, a member may make an election under option 1 or 2 after the date retirement benefits are initiated if the member makes the election within one year from the date of marriage or July 1, 2000, whichever is later, under any of the following circumstances:**

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(1) The member elected to receive a normal annuity and was not eligible to elect option 1 or 2 on the date retirement benefits were initiated; or

(2) The member's annuity reverted to a normal annuity pursuant to subsection 8 of section 104.103 and the member remarried; or

(3) The member elected option 1 or 2 but the member's spouse at the time of retirement has died and the member has remarried.

6. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters, and for such services shall be eligible to elect to receive the benefits described in subsection 5 of this section.

**104.103. ANNUAL BENEFIT INCREASE, WHEN, HOW COMPUTED — LIMITATION — REVERSION OF AMOUNT OF BENEFIT — SPECIAL CONSULTANT, COMPENSATION.**

— 1. Each member who was employed prior to August 28, 1997, and retires on or after May 12, 1981, shall receive each year a percentage increase in the amount of benefits received by the member during the preceding year of eighty percent of the increase in the consumer price index determined in the manner hereinafter provided. Any such annual benefit increase, however, shall not exceed five percent, nor be less than four percent, and the total increase in the amount of benefits received pursuant to the provisions of this section shall not exceed sixty-five percent of the initial monthly benefit which the member received upon retirement or the benefit received immediately prior to October 1, 1986, whichever is later.

2. Each member who is employed for the first time on or after August 28, 1997, and retires shall be entitled annually to a percentage increase in the retirement benefit payable equal to eighty percent of the increase in the consumer price index. Such benefit increase, however, shall not exceed five percent of the retirement benefit payable prior to the increase.

3. Each member who is employed before August 28, 1997, and terminates employment or retires after that date shall be entitled to the annual benefit increase described in subsection 1 of this section. For such members, the annual benefit increase described in subsection 2 of this section shall not be effective until the year in which the member reaches the limit on total annual benefit increases provided by subsection 1 of this section. After that year, the member shall receive the annual benefit increase described in subsection 2 of this section.

4. Survivors of members described in subsection 2 of this section shall be entitled to the annual benefit increase described in that subsection.

5. For the purposes of this section, any increase in the consumer price index shall be determined in January of each year, based upon the percentage increase of (a) the consumer price index for the preceding calendar year over (b) the consumer price index for the calendar year immediately prior thereto. Any increase so determined shall be applied in calculating any benefit increases that become payable under this section during the calendar year in which the determination is made and in no case shall the percentage be less than zero.

6. An annual increase, if any is due under either this section or section 104.612 for special consultants with the **highways and** transportation [department] employees'

and highway patrol retirement system, shall be payable monthly beginning on a date specified by the board.

7. For members who retire on or after [August 28, 1994] **July 1, 2000**, in the event such member has chosen a joint and survivor option under the provisions of section 104.090 and the member's eligible spouse precedes the member in death, the member's benefit shall revert, effective the first of the month following [receipt by] **the death of the spouse regardless of when** the board [of a] **receives the member's** written application for the benefit provided in this subsection, to an amount equal to the member's normal annuity, as adjusted for early retirement if applicable; such benefit shall include any increases the member would have received since the date of retirement had the member elected a normal annuity. In no event shall retroactive benefits be paid.

8. Effective on or after [August 28, 1994] **July 1, 2000**, any retired member who had elected a joint and survivor payment option and whose spouse precedes or preceded the member in death, shall upon application to the board be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. As a special consultant under the provisions of this subsection, the member's reduced benefit will revert to a normal annuity as adjusted for early retirement if applicable, effective the first of the month following [receipt by] **the death of the spouse regardless of when** the board [of a] **receives the member's** written application; such benefit shall include any increases the retired member would have received since the date of retirement had the member elected a normal annuity. In no event shall retroactive benefits be paid.

**104.140. DEATH PRIOR TO RETIREMENT, BENEFITS.** — 1. If a member who has [ten] **five** or more years of creditable service dies before retirement, his surviving spouse, if named as his beneficiary and [had been] married to the deceased member [at least two years prior to] **on the date of** the member's death, or his surviving unemancipated children under the age of twenty-one, if named as beneficiary or beneficiaries, shall receive a total monthly payment equal to fifty percent of the deceased member's accrued monthly benefit calculated as if the member were of normal retirement age as of his date of death. If the surviving spouse dies leaving any unemancipated children under the age of twenty-one years, the payment shall continue until the children become emancipated or reach twenty-one years of age.

2. Effective January 1, 1985, if an employee who has three or more, but less than ten years of creditable service, dies before retirement, the surviving spouse of the deceased employee, if named as beneficiary and [had been] married to the deceased employee [at least two years prior to] **on the date of** the employee's death, or the deceased employee's surviving unemancipated children under the age of twenty-one, if named as beneficiary or beneficiaries, shall receive a total monthly payment equal to twenty-five percent of the deceased employee's accrued monthly benefit calculated as if the employee were of normal retirement age as of the date of death. Such benefit shall be increased by five-twelfths of one percent for each month of service in excess of five years. If the surviving spouse dies leaving any unemancipated children under the age of twenty-one years, the payment shall continue until the children become emancipated or reach twenty-one years of age. If there is no surviving spouse eligible

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for benefits under this subsection, but there are any unemancipated children of the deceased employee eligible for payments, the payments shall continue until the children become emancipated or reach twenty-one years of age. Any benefits payable to unemancipated children under twenty-one years of age shall be made on a pro rata basis among the surviving unemancipated children under twenty-one years of age.

**3. For the purpose of computing the amount of a benefit payable pursuant to this section, if the board finds that the death was a natural and proximate result of a personal injury or disease arising out of and in the course of the member's actual performance of duty as an employee, then the minimum benefit to such member's surviving spouse or, if no surviving spouse benefits are payable, the minimum benefit that shall be divided among and paid to such member's surviving unemancipated children under the age of twenty-one shall be fifty percent of the member's final average compensation. The service requirements of subsections 1 and 2 of this section shall not apply to any benefit payable pursuant to this subsection.**

**104.335. VESTING SERVICE — MEMBERS WHO ARE ENTITLED TO ANNUITIES — REQUIREMENTS, AMOUNTS — TERMINATED VESTED MEMBER, JUDGE, ADMINISTRATIVE LAW JUDGE OR LEGAL ADVISOR, ELECTION TO PAY PRESENT VALUE OF ANNUITY, ELIGIBILITY, PURCHASE OF PRIOR SERVICE CREDIT. — 1.** Any member, whose employment terminated prior to September 1, 1972, and (a) who had served at least three full biennial assemblies as a member of the general assembly, or (b) who was other than a member of the general assembly and who had fifteen or more years of vesting service shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation and the law in effect at the time the member's employment was terminated.

2. (1) Any member, whose employment terminated on or after September 1, 1972, and prior to July 1, 1981, and (a) who had served at least three full biennial assemblies as a member of the general assembly, or (b) who was other than a member of the general assembly and who had fifteen or more years of vesting service or who had ten or more years of vesting service and was at least thirty-five years of age at the date of termination of employment shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation and the law in effect at the time the member's employment was terminated.

(2) Any member, whose employment terminated on or after July 1, 1981, and (a) who had served at least three full biennial assemblies as a member of the general assembly, or (b) who was other than a member of the general assembly and who had ten or more years of vesting service at the date of termination of employment shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation and the law in effect at the time the member's employment was terminated.

(3) Any member, whose employment terminated on or after September 1, 1972, and who had four or more years of vesting service as governor, lieutenant governor, secretary of state, auditor, treasurer, or attorney general of this state shall be entitled to a deferred normal annuity based on the member's creditable service, average

compensation and the law in effect at the time the member's employment was terminated.

(4) Any member whose employment terminated on or after September 28, 1985, and who (a) had served less than three full biennial assemblies as a member of the general assembly, and (b) has less than ten years of vesting service as an employee other than a member of the general assembly shall be entitled to two years of vesting service for each full biennial assembly in which the member served plus an additional amount of vesting service for each partial biennial assembly served, which amount shall be equal to the pro rata portion of the biennial assembly so served. The total amount of vesting service provided for in this subdivision shall be used to calculate the deferred normal annuity or deferred partial annuity to which such member is entitled based on the member's creditable service, which includes all service designated as vesting service under this subdivision, the member's average compensation, and the law in effect at the time the member's employment was terminated.

3. Any member whose employment terminated on or after October 1, 1984, but before September 28, 1992, and who was other than a member of the general assembly and who has five or more years of vesting service as an employee at the date of termination of employment shall be entitled to a deferred partial annuity based on the member's creditable service, average compensation, and the law in effect at the time the member's employment was terminated, in the following amounts:

(1) An employee with at least five years of vesting service, but less than six years, is entitled to fifty percent of the amount payable as a deferred normal annuity;

(2) An employee with six years of vesting service, but less than seven years, is entitled to sixty percent of the amount payable as a deferred normal annuity;

(3) An employee with seven years of vesting service, but less than eight years, is entitled to seventy percent of the amount payable as a deferred normal annuity;

(4) An employee with eight years of vesting service, but less than nine years, is entitled to eighty percent of the amount payable as a deferred normal annuity;

(5) An employee with nine years of vesting service, but less than ten years, is entitled to ninety percent of the amount payable as a deferred normal annuity.

4. Any member whose employment terminated on or after September 28, 1992, and who was other than a member of the general assembly and who has five or more years of vesting service as an employee at the date of termination of employment shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation, and the law in effect at the time the member's employment was terminated.

5. Any member who is entitled to a deferred normal annuity as provided in subsection 1, 2, 3, or 4 of this section and who reenters the service of a department and again becomes a member of the system [for one or more continuous years of membership service] shall have the member's prior period of vesting service combined with the member's current membership service, so that any benefits that may become payable under this system by reason of the member's retirement or subsequent withdrawal will recognize such prior period of vesting service.

6. (1) A vested member, an administrative law judge or legal advisor as defined in section 287.812, RSMo, or a judge as defined in section 476.515, RSMo, who has terminated all employment with the state of Missouri for a period of six months or

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longer, may make a one-time election for the system to pay the present value of a deferred annuity or a benefit as defined in section 287.812, RSMo, or section 476.515, RSMo, if the amount of such terminated member's or person's creditable service is less than ten years, and if such terminated member or person is not within five years of eligibility for receiving an annuity or benefit. Any such member, administrative law judge, legal advisor or judge who terminates employment on or after August 28, 1997, shall be eligible for the one-time election provided for in this subsection only if the present value of the deferred annuity does not exceed ten thousand dollars. The present value shall be actuarially determined by the system. Except as provided in subdivision (2) of this subsection, any payment so made shall be a complete discharge of the existing liability of the system with respect to such terminated member or person.

(2) Upon subsequent employment [for a period of twelve consecutive months] in a position covered under a system administered by the Missouri state employees' retirement system, the employee, administrative law judge or judge may elect, within [ninety days after such twelve-month period] **one year of such employment**, to purchase creditable service equal to the amount of creditable service surrendered due to a payment as specified in this subsection. The cost of such purchase shall be actuarially determined by the system, and shall be paid over a period of not longer than two years from the date of election, with interest on the unpaid balance.

7. Any individual, covered by a retirement plan identified in chapter 104, chapter 287 or chapter 476, RSMo, who terminated employment prior to August 28, 1993, shall, upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the court from which the person retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such requests. As compensation for such services, the consultant shall be eligible to purchase or transfer, prior to retirement, creditable service as set forth in section 105.691, RSMo.

**104.344. MEMBER ENTITLED TO PURCHASE PRIOR CREDITABLE SERVICE FOR NONFEDERAL FULL-TIME PUBLIC EMPLOYMENT OR CONTRACTUAL SERVICES — METHOD, PERIOD, LIMITATION.** — Notwithstanding any other law to the contrary, any person who is actively employed by the state of Missouri in a position covered by a retirement plan administered by the Missouri state employees' retirement system and who had nonfederal full-time public employment in the state of Missouri **or who had provided full-time services for compensation to the state of Missouri under a contract**, and who by virtue of such employment was a member of a retirement system **or other employer-sponsored retirement plan** other than the Missouri state employees' retirement system but is not vested in such other retirement system **or plan**, or was not a member of any retirement system **or plan**, may elect, prior to retirement, to purchase up to four years of creditable prior service for such service [as defined in this section] **in any plan administered by the Missouri state employees' retirement system in which the person is receiving service credit for active employment or is eligible for a deferred annuity.** The purchase shall be effected by the [member]

**person** paying to the Missouri state employees' retirement system an amount equal to what would have been contributed by the state in his or her behalf had the person been a member for the period for which he or she is electing to purchase credit and had the [member's] **person's** compensation during such period been the same as the annual salary rate at which the person was initially employed [as a member of] **in a position covered by a plan administered by** the Missouri state employees' retirement system, with the calculations based on the contribution rate in effect on the date of his or her employment under the provisions of the Missouri state employees' retirement system with simple interest calculated from the date of employment from which the [member] **person** could first receive creditable service from the Missouri state employees' retirement system to the date of election to purchase such service. The payment shall be made over a period of not longer than two years, with simple interest on the unpaid balance. In no event shall any [member] **person** receive credit or benefits under any other retirement plan as defined pursuant to section 105.691, RSMo, for creditable service purchased pursuant to the provisions of this section. **The contribution rate for any judge who elects to purchase service for a period prior to July 1, 1998, shall be equal to a contribution rate which would be used if the judicial system were funded on an actuarial basis prior to that date.**

**104.345. CIRCUIT CLERKS ENTITLED TO PRIOR SERVICE CREDIT, WHEN — CERTAIN CIRCUIT CLERKS TO BE APPOINTED CONSULTANTS, DUTIES, COMPENSATION TO BE CREDITABLE SERVICE, WHEN — CLERKS ENTITLED TO REFUND OF CONTRIBUTION, PROCEDURE, ALSO ENTITLED TO PRIOR SERVICE CREDIT.** — 1. Any circuit clerk holding office or employment as such on or after August 28, 1989, for service rendered as an employee of any county or other political subdivision for the purposes of performing duties for the judicial system, is entitled to creditable prior [services] **service** under the provisions of this chapter in the Missouri state employees' retirement system, provided such period of service has not been included for purposes of qualification for any other retirement system.

2. Any member who was a circuit clerk on July 1, 1980, and whose employment as a circuit clerk terminated prior to October 1, 1989, upon application to the board shall be made, constituted, appointed, and employed by the board as a special consultant on the problems of retirement for the remainder of the person's life. Upon request of the board, the consultant shall give opinions or be available to give opinions in writing or orally in response to such requests. As compensation, the consultant shall receive creditable service for service rendered as a circuit clerk, deputy circuit clerk or division clerk, if:

(1) The member does not receive credit for the same period of service under more than one retirement system;

(2) The person made application to the board for such creditable prior service within ninety days of October 1, 1989; and

(3) The person establishes proof of such service to the satisfaction of the board. Such person shall be a member of the Missouri state employees' retirement system and be entitled to a normal annuity or to a deferred normal annuity, based on the person's creditable service and the law in effect at the time service as a circuit clerk was terminated.

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3. Notwithstanding any provision of law to the contrary, any person who is an employee on August 28, 1990, who was a circuit clerk, deputy circuit clerk or division clerk on June 30, 1981, employed by a county which participated in the local government employees' retirement system under sections 70.600 to 70.755, RSMo, or which paid to the Missouri state employees' retirement system to actuarially fund the creditable prior service of such clerk, and such person elected to receive creditable prior service under this system by waiving rights to [his] **the person's** accumulated contributions made or accrued while such person was a county employee or who made payment to the county as reimbursement for the costs incurred by the county to actuarially fund the creditable prior service for such person which were received by this system under the provisions of this section in effect when such person became a member, upon written application filed with the board, shall be eligible to receive a refund of such accumulated contributions or payment amount. Members receiving such a refund shall not forfeit any service presently credited the member under this system but in no event shall a member receive credit for the same period of service under more than one retirement system.

4. Any **actively employed** member of the Missouri state employees' retirement system on or after [October 1, 1989, who has or attains one or more years of membership service] **August 28, 2000**, shall be entitled to creditable prior service for service rendered as a circuit clerk, deputy circuit clerk or division clerk, if:

- (1) The service had not become vested in a county or city retirement plan;
- (2) The person made application to the board for such creditable prior service [within ninety days of October 1, 1989, or within ninety days of the completion of one year of membership service, whichever later occurs]; and
- (3) The person establishes proof of such service to the satisfaction of the board.

**104.350. WITHDRAWAL FROM SERVICE, WHEN, REENTRY AFTER WITHDRAWAL, HOW MADE — FORFEITURE AND REINSTATEMENT OF CREDITABLE SERVICE. — 1.** Upon withdrawal from service, any member who is not entitled to a normal annuity, deferred normal annuity or disability benefits pursuant to the provisions of this chapter shall forfeit all rights in the fund, including the member's accrued creditable service as of the date of the member's withdrawal.

2. A former employee who is [an employee on October 1, 1984, or who becomes an employee after October 1, 1984,] **employed on or after August 28, 2000**, who has forfeited service shall have the forfeited period of service restored [upon completion of one year of continuous service].

**104.372. GENERAL ASSEMBLY MEMBERS AND ELECTIVE STATE OFFICERS, SURVIVOR'S INCOME PAYMENTS, WHEN, AMOUNT — DEATH BEFORE RETIREMENT SURVIVOR'S BENEFIT — CREDITABLE PRIOR SERVICE FOR CERTAIN TEACHERS EMPLOYED BY STATE — SURVIVING SPOUSE, SPECIAL CONSULTANT. — 1.** (1) In the event a person who served as a member of the general assembly or in an elective state office on or after September 1, 1976, and who retired after September 1, 1976, dies, a survivor's income in an amount equal to fifty percent of the monthly annuity the retired member was receiving at the time of the member's death shall be paid in monthly installments to such deceased retired member's surviving spouse; provided

such surviving spouse [had been] **was** married to the deceased retired member of the general assembly or elected official [continuously for a period of at least two years immediately prior to] **on** the date of the member's death; or if there is no surviving spouse eligible to receive such survivor's income, then such survivor's income shall be payable to any children under the age of twenty-one of the deceased member of the general assembly or elective official in equal shares in a total amount equal to such survivor's income that would otherwise have been paid to the surviving spouse until the children reach twenty-one years of age. The benefits shall be funded as provided in section 104.436; or

(2) Upon the death of a person who served as a member of the general assembly or in an elective state office on or after September 1, 1976, and who retired pursuant to the provisions of this chapter on or after September 1, 1976, and who terminated employment before August 28, 1988, such deceased retired member's surviving spouse, who [had been] **was** married to the deceased retired member [continuously for a period of at least two years immediately prior to] **on** the date of the member's death, may apply to the board of trustees and shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the surviving spouse's life, and upon request of the board shall give opinions, and be available to give opinions in writing, or orally, in response to such requests. As compensation for such services, beginning the first of the month following application, such surviving spouse shall receive monthly an amount equal to fifty percent of the monthly annuity the retired member was receiving at the time of the member's death.

2. If a member of the general assembly who has served in at least three full biennial assemblies dies before retirement, pursuant to the provisions of sections 104.312 to 104.801, a survivor's benefit shall be paid in an amount equal to fifty percent of the member's accrued annuity calculated as if the member were of normal retirement age as of the member's death. The survivor's benefit shall be paid in monthly installments to such deceased member's surviving spouse; provided such surviving spouse [had been] **was** married to the deceased member of the general assembly [continuously for a period of at least two years immediately prior to] **on** the date of the member's death; or if there is no surviving spouse eligible to receive such survivor's benefit, such survivor's benefit shall be payable to any children under the age of twenty-one of the deceased member of the general assembly in equal shares in a total amount equal to such survivor's benefit that would otherwise have been paid to the surviving spouse until the children reach twenty-one years of age.

3. In the event a person who has held one or more statewide state elective offices for a total of at least twelve years, and whose retirement benefits have been calculated and are being paid pursuant to the provisions of section 104.371, dies, a survivor's benefit in an amount equal to fifty percent of the benefits being paid the member pursuant to section 104.371 shall be paid to the member's surviving spouse. The survivor's benefits shall be paid in the manner provided in section 104.371.

4. Every member of the state employees' retirement system who had previous state employment by a state agency by virtue of which the person was a member of the public school retirement system of Missouri and has previously withdrawn the person's employee contribution to the public school retirement system shall upon request if

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qualified pursuant to the provisions of this subsection receive creditable prior service in the state employees' retirement system for such service notwithstanding any other provisions of law. The public school retirement system shall pay to the state employees' retirement system an amount equal to the contribution paid to the public school retirement system on behalf of the employee by the employee's employer, and the commissioner of administration shall pay an equal amount to the state employees' retirement system from funds appropriated from the general revenue fund for such purpose. In no event shall any person receive credit for the same period of service under more than one retirement system.

5. Upon the death of a person who served as a member of the general assembly or in an elective state office [and who retired pursuant to the provisions of this chapter on or] before September 1, 1976, **and who retired and chose a normal annuity pursuant to the provisions of this chapter**, such deceased retired member's surviving spouse, who [had been] **was** married to the [deceased retired] member [continuously for a period of at least two years immediately prior to] **on** the date of the member's death, may apply to the board of trustees and shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters for the remainder of the surviving spouse's life, and upon request of the board shall give opinions, and be available to give opinions in writing, or orally, in response to such requests. As compensation for such services, beginning the first of the month following application, such surviving spouse shall receive monthly an amount equal to fifty percent of the monthly annuity the retired member was receiving at the time of the member's death.

**104.380. RETIRED MEMBERS ELECTED TO STATE OFFICE, EFFECT OF — REEMPLOYMENT OF RETIRED MEMBERS, PAYMENT OF ANNUITY.** — If a retired member is elected to any state office or is appointed to any state office or is employed by a department in a position normally requiring the performance by the person of duties during not less than one thousand hours per year, the member shall not receive an annuity for any month or part of a month for which the member serves as an officer or employee, but the member shall be considered to be a new employee with no previous creditable service and must accrue creditable service [of one or more years after such employment] in order to receive any additional annuity. Any [employed] retired member who [has one or more years of] **again becomes an employee and who accrues additional** creditable service [after such employment] and later retires shall receive an additional amount of monthly annuity calculated to include only the creditable service and the average compensation earned by the member since such employment **or creditable service earned as a member of the general assembly. Years of membership service and twelfths of a year are to be used in calculating any additional annuity except for creditable service earned as a member of the general assembly, and such additional annuity shall be based on the type of service accrued.** In either event, the original annuity and the additional annuity, if any, shall be paid commencing with the end of the first month after the month during which the member's term of office has been completed, or the member's employment terminated. If a retired member is employed by a department in a position that does not normally require the person to perform duties during at least one thousand hours

per year, the member shall not be considered an employee as defined pursuant to section 104.010.

**104.395. OPTIONS AVAILABLE TO MEMBERS IN LIEU OF NORMAL ANNUITY — SPOUSE AS DESIGNATED BENEFICIARY, WHEN — STATEMENT THAT SPOUSE AWARE OF RETIREMENT PLAN ELECTED — REVERSION OF AMOUNT OF BENEFIT, CONDITIONS — SPECIAL CONSULTANT, COMPENSATION — ELECTION TO BE MADE, WHEN. —** 1. In lieu of the normal annuity otherwise payable to a member pursuant to section 104.335, 104.374 or 104.400, and prior to the last business day of the month before the annuity starting date pursuant to section 104.401, a member shall elect whether or not to have such member's normal annuity reduced as provided by the options set forth in this section; provided that if such election has not been made within such time, annuity payments due beginning on and after such annuity starting date shall be made the month following the receipt by the system of such election, and further provided, that if such person dies after such annuity starting date but before making such election, no benefits shall be paid except as required pursuant to section 104.420:

Option 1. An actuarial reduction approved by the board of the member's annuity in reduced monthly payments for life during retirement with the provision that upon the member's death the reduced annuity at the date of the member's death shall be continued throughout the life of, and be paid to, the member's spouse to whom the member was married at the date of retirement and who was nominated by the member to receive such payments in the member's application for retirement **or as otherwise provided under subsection 5 of this section**. Such annuity shall be reduced in the same manner as an annuity under option 2 as in effect immediately prior to August 28, 1997. The surviving spouse shall designate a beneficiary to receive any final monthly payment due after the death of the surviving spouse; or

Option 2. The member's normal annuity in regular monthly payments for life during the member's retirement with the provision that upon the member's death a survivor's benefit equal to one-half the member's annuity at the date of the member's death shall be paid to the member's spouse to whom the member was married at the date of retirement and who was nominated by the member to receive such payments in the member's application for retirement **or as otherwise provided under subsection 5 of this section**, in regular monthly payments for life. The surviving spouse shall designate a beneficiary to receive any final monthly payment due after the death of the surviving spouse; or

Option 3. An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member having received one hundred twenty monthly payments of the member's reduced annuity, the member's reduced annuity to which the member would have been entitled had the member lived shall be paid for the remainder of the one hundred twenty months' period to such person as the member shall have nominated by written designation duly executed and filed with the board. If there is no such beneficiary surviving the retirant, the reserve for such annuity for the remainder of such one hundred twenty months' period shall be paid to the retirant's estate. If such beneficiary dies after the member's date of death but before having

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received the remainder of the one hundred twenty monthly payments of the retiree's reduced annuity, the reserve for such annuity for the remainder of such one hundred twenty month period shall be paid to the beneficiary's estate; or

Option 4. An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member having received sixty monthly payments of the member's reduced annuity, the member's reduced annuity to which the member would have been entitled had the member lived shall be paid for the remainder of the sixty months' period to such person as the member shall have nominated by written designation duly executed and filed with the board. If there be no such beneficiary surviving the retirant, the reserve for such annuity for the remainder of such sixty months' period shall be paid to the retirant's estate. If such beneficiary dies after the member's date of death but before having received the remainder of the sixty monthly payments of the retiree's reduced annuity, the reserve for such annuity for the remainder of the sixty month period shall be paid to the beneficiary's estate.

2. Effective July 1, 2000, if a member is married as of the annuity starting date to a person who has been the member's spouse [for at least one year immediately preceding such annuity starting date], the member's annuity shall be paid pursuant to the provisions of either option 1 or option 2 as set forth in subsection 1 of this section, at the member's choice, with the spouse as the member's designated beneficiary unless the spouse consents in writing to the member electing another available form of payment. [If a member has been married less than one year at the annuity starting date and does not elect an option, the annuity shall be paid as a normal annuity.]

3. For members who retire on or after August 28, 1995, in the event such member elected a joint and survivor option under the provisions of this section and the member's eligible spouse or eligible former spouse precedes the member in death, the member's annuity shall revert effective the first of the month following the death of the spouse or eligible former spouse regardless of when the board receives the member's written application for the benefit provided in this subsection, to an amount equal to the member's normal annuity, as adjusted for early retirement if applicable; such benefit shall include any increases the member would have received since the date of retirement had the member elected a normal annuity.

4. Effective on or after August 28, 1995, any retired member who had elected a joint and survivor option and whose spouse or eligible former spouse precedes or preceded the member in death, shall upon application to the board be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters. As a special consultant pursuant to the provisions of this section, the member's reduced annuity shall revert to a normal annuity as adjusted for early retirement, if applicable, effective the first of the month following the death of the spouse or eligible former spouse or August 28, 1995, whichever is later, regardless of when the board receives the member's written application; such annuity shall include any increases the retired member would have received since the date of retirement had the member elected a normal annuity.

5. Effective July 1, 2000, a member may make an election under option 1 or 2 after the date retirement benefits are initiated if the member [has been married for at least one year prior to such election and] makes such election within [six months of

becoming eligible to make such election] **one year from the date of marriage or July 1, 2000, whichever is later**, under any of the following circumstances:

- (1) The member elected to receive a normal annuity and was not eligible to elect option 1 or 2 on the date retirement benefits were initiated; or
- (2) The member's annuity reverted to a normal annuity pursuant to subsection 3 or 4 of this section and the member remarried.

**6. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters, and for such services shall be eligible to elect to receive the benefits described in subsection 5 of this section.**

**104.420. DEATH BEFORE RETIREMENT, MEMBER OR DISABLED MEMBER — SURVIVING SPOUSE TO RECEIVE BENEFITS — IF NO QUALIFYING SURVIVING SPOUSE, CHILDREN'S BENEFITS. —** 1. Unless otherwise provided by law, if a member or disabled member has five or more years of vesting service and dies prior to retirement, regardless of the age of the member at the time of death, the member's or disabled member's surviving spouse, to whom the member or disabled member was married [for at least the two consecutive years immediately prior to] **on** the date of the member's death, if any, shall receive the reduced survivorship benefits provided in option 1 of section 104.395 calculated as if the member were of normal retirement age and had retired as of the date of the member's death and had elected option 1.

2. If there is no eligible surviving spouse, the member's or disabled member's eligible surviving children under twenty-one years of age shall receive monthly, in equal shares, an amount equal to one-half of the member's or disabled member's accrued annuity calculated as if the member or disabled member were of a normal retirement age and retired as of the date of death. Benefits otherwise payable to a child under eighteen years of age shall be payable to the surviving parent as natural guardian of such child if such parent has custody or assumes custody of such minor child, or to the legal guardian of such child, until such child attains age eighteen; thereafter, the benefit may be paid to the child until age twenty-one.

3. No benefit is payable pursuant to this section if no eligible surviving spouse or children under twenty-one years of age [survives] **survive** the member or disabled member. Benefits cease pursuant to this section when there is no eligible surviving beneficiary through either death of the eligible surviving spouse or through either death or the attainment of twenty-one years of age by the eligible surviving children. If the member's or disabled member's surviving children are receiving equal shares of the benefit described in subsection 2 of this section, and one or more of such children become ineligible by reason of death or the attainment of twenty-one years of age, the benefit shall be reallocated so that the remaining eligible children receive equal shares of the total benefit as described in subsection 2 of this section.

4. For the purpose of computing the amount of an annuity payable pursuant to this section, if the board finds that the death was the natural and proximate result of a personal injury or disease arising out of and in the course of the member's actual performance of duty as an employee, then the minimum annuity to such member's surviving spouse or, if no surviving spouse benefits are payable, the minimum annuity

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that shall be divided among and paid to such member's surviving children shall be fifty percent of the member's final average compensation. The vesting service requirement of subsection 1 of this section shall not apply to any annuity payable pursuant to this subsection.

**104.517. LIFE INSURANCE BENEFITS, EMPLOYEES COVERED — CERTAIN DEPARTMENTS AND HIGHWAY PATROL MAY ELECT COVERAGE — AMOUNT — ADDITIONAL INSURANCE BY PAYROLL DEDUCTIONS, MAXIMUM — RETENTION OF COVERAGE ON RETIREMENT, COST DEDUCTED FROM RETIREMENT BENEFITS — DEATH BENEFITS FOR SPECIAL CONSULTANTS. — 1.** The board shall provide or contract, or both, for life insurance benefits for employees pursuant to sections 104.320 to 104.540, persons covered by sections 287.812 to 287.855, RSMo, and for employees who are members of the judicial retirement system as provided in section 476.590, RSMo, and at the election of the state highways and transportation commission shall include employees who are members of the state transportation department employees' and highway patrol retirement system as follows:

(1) Employees are entitled to fifteen thousand dollars of life insurance **until December 31, 2000. Effective January 1, 2001, the system shall provide or contract or both for basic life insurance for employees covered under any retirement plan administered by the system pursuant to this chapter, persons covered by sections 287.812 to 287.856, RSMo, for employees who are members of the judicial retirement system as provided in section 476.590, RSMo, and, at the election of the state highways and transportation commission, employees who are members of the highways and transportation employees' and highway patrol retirement system, in an amount equal to one times annual pay, subject to a minimum amount of fifteen thousand dollars. The board shall establish by rule or contract the method for determining the annual rate of pay and any other terms of such insurance as it deems necessary to implement the requirements pursuant to this section. Annual rate of pay shall not include overtime or any other irregular payments as determined by the board.** Such life insurance shall provide for triple indemnity in the event the cause of death is a proximate result of a personal injury or disease arising out of and in the course of actual performance of duty as an employee. [Coverage shall be effective on the first day of the month coinciding with or next following the employee's date of membership;

(2)] **2.** [Life insurance benefits shall cease on the date of termination of employment and] A conversion of such life insurance benefits shall be available. However, a member eligible to receive a lump sum death benefit as provided in subsection 4 of section 104.515 shall be entitled to convert any amount of terminated life insurance benefit in excess of the benefit provided in said section.

[2.] **3.** (1) In addition to the life insurance authorized by the provisions of subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, additional life insurance at a cost to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees determines that the system should provide such insurance itself. The maximum amount of additional life

insurance which may be so purchased on or after January 1, 1998, is that amount which equals six times the amount of the person's annual [compensation] **rate of pay**, except that if such maximum amount is not evenly divisible by one thousand dollars, then the maximum amount of additional insurance which may be purchased is the next higher amount evenly divisible by one thousand dollars. The selection of a private insurance company to provide this life insurance shall be on the basis of competitive bidding.

(2) Any person defined in subdivision (1) of this subsection retiring on or after September 1, 1988, may retain an amount not to exceed ten thousand dollars of life insurance following the date of his or her retirement if such person makes written application for such life insurance at the same time such person's application is made to the board for retirement benefits. Any person, defined in subdivision (1) of this subsection, retiring on or after May 1, 1996, may retain an amount not to exceed sixty thousand dollars of life insurance following the date of the person's retirement if such person makes written application for such life insurance at the same time such person applies to the board for retirement benefits. Such life insurance shall only be provided if such person pays the entire cost of the insurance, as determined by the board, by allowing voluntary deductions from the member's monthly retirement benefits.

(3) Effective January 1, 1998, in addition to the life insurance authorized in subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, life insurance covering the person's children or the person's spouse or both the person's children and the person's spouse at coverage amounts to be determined by the board at a cost to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees determines that the system should provide such insurance itself.

**4. The highways and transportation employees' and highway patrol retirement system shall provide or contract or both for the death benefit for special consultants in subsection 4 of section 104.515. The highways and transportation employees' and highway patrol retirement system may request the state highways and transportation commission to administer the death benefit. If the state highways and transportation commission accepts the obligation to administer the death benefit, the highways and transportation employees' and highway patrol retirement system shall reimburse the state highways and transportation commission for any costs or expenses of administering the death benefit.**

**104.610. SPECIAL CONSULTANTS, EMPLOYMENT AS, WHEN — COMPENSATION, HOW, CALCULATION OF — SEVERABILITY PROVISIONS — FORMER MEMBERS AS SPECIAL CONSULTANTS, WHEN — CERTAIN SPECIAL CONSULTANTS MAY BE ELIGIBLE FOR SURVIVOR BENEFITS. — 1.** Any person, who is receiving or hereafter may receive state retirement benefits from the Missouri state employees' retirement system other than a person with twelve or more years of service in statewide state elective office receiving benefits pursuant to the provisions of section 104.371, a legislators' retirement system, or the **highways and transportation** [department]

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employees' and highway patrol retirement system, upon application to the board of trustees of the system from which he or she is receiving retirement benefits, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received on his or her retirement, shall be equal to the state retirement benefits the person would be receiving currently if the person had benefited from changes in the law effecting increases in the rate in the formula for calculating benefits in his or her respective retirement system, for his or her type of employment or for those persons having accrued thirty-five or more years of creditable service, changes in the law pertaining to the age and service requirements for a normal annuity in his or her respective retirement system, made subsequent to the date of his or her retirement; except that in calculating such benefits the meaning of "average compensation" shall be that ascribed to it by the law in effect on the date on which the benefits pursuant to this section are calculated.

2. In lieu of any other benefits pursuant to the provisions of this section, any member of the Missouri state employees' retirement system who has or may hereafter retire pursuant to the provisions of section 104.371, pertaining to those members who have held statewide state elective office for at least twelve years, may apply pursuant to this section to be employed as a special consultant and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received initially on his or her retirement, shall be equal to the state retirement benefits the person would be receiving if the person had benefited from changes in the law affecting increases in compensation for statewide state elective offices, pursuant to house substitute for senate bill no. 528, second regular session of the eighty-second general assembly, any other provisions of the law to the contrary notwithstanding.

3. This compensation shall be consolidated with any other retirement benefits payable to the person, and shall be funded as provided in section 104.436.

4. This compensation shall be treated as any other state retirement benefits payable by the Missouri state employees' retirement system or the **highways and transportation** [department] employees' and highway patrol retirement system are treated and shall not be subject to execution, garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and shall be unassignable, anything to the contrary notwithstanding.

5. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits pursuant to this chapter, or in any way have the effect of reducing retirement benefits, anything to the contrary notwithstanding.

6. In order to determine the total monthly state retirement compensation due each retiree who is eligible for the additional amount provided for in subsection 1 of this section, the following formula shall be used:

(1) The retiree's base monthly retirement compensation shall be determined by dividing the sum of the retiree's annual normal annuity as of the effective date of any

increase in the rate in the formula for calculating benefits in his or her respective retirement system plus any annual increases granted such retiree as a result of his or her being a consultant, by twelve;

(2) The amount determined pursuant to subdivision (1) of this subsection shall be increased by an amount equal to the base monthly retirement compensation calculated pursuant to subdivision (1) of this subsection multiplied by the percentage increase in the rate in the formula;

(3) The sum obtained from completing the calculations contained in subdivisions (1) and (2) of this subsection shall be the retiree's new total monthly state retirement compensation. Any retiree who is eligible for the benefit provided in subsection 1 of this section whose benefit pursuant to subsection 1 of this section was not calculated in accordance with the procedure provided in this subsection shall have his or her total monthly retirement compensation for all months beginning on or after September 28, 1985, recalculated in accordance with this subsection.

7. The provisions of this section are severable. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional or otherwise invalid, the remaining provisions of this section are valid unless the court finds that such valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

8. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be eligible to elect to receive a retirement annuity pursuant to the year 2000 plan as provided in this chapter.

**9. Effective August 28, 2000, any person otherwise eligible for survivor benefits due to the death of a member prior to retirement, who was married less than two years to the member at the time of the member's death, shall, upon application to the board, be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. As a special consultant pursuant to the provisions of this subsection, the person shall begin to receive a survivor benefit in a monthly amount equal to what the system would have paid the person had the person been eligible for such survivor benefit upon the death of the member. Such benefit shall commence the first of the month following receipt by the system of an application from such person, but not earlier than September 1, 2000. In no event shall any retroactive benefits be paid.**

**104.1015. ELECTION INTO YEAR 2000 PLAN, EFFECT OF — COMPARISON OF PLANS PROVIDED — CALCULATION OF ANNUITY. —** 1. Persons covered by a closed plan on July 1, 2000, shall elect whether or not to change to year 2000 plan coverage. Any such person who elects to be covered by the year 2000 plan shall forfeit all rights to receive benefits under this chapter except as provided under the year 2000 plan and all creditable service of such person under the closed plan shall be credited under the

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year 2000 plan. Any such person who elects not to be covered by the year 2000 plan shall waive all rights to receive benefits under the year 2000 plan. In no event shall any retroactive annuity be paid to such persons pursuant to sections 104.1003 to 104.1093 except as described in subsection 2 of this section.

2. Each retiree of the closed plan on July 1, 2000, shall be furnished by the appropriate system a written comparison of the retiree's closed plan coverage and the retiree's potential year 2000 plan coverage. A retiree shall elect whether or not to change to year 2000 plan coverage by making a written election, on a form furnished by the appropriate board, and providing that form to the system by no later than twelve months after July 1, 2000, and any retiree who fails to make such election within such time period shall be deemed to have elected to remain covered under the closed plan; provided the election must be after the retiree has received from the appropriate system such written comparison. The retirement option elected under the year 2000 plan shall be the same as the retirement option elected under the closed plan [unless such retirement option is not available under the year 2000 plan], **except any retiree who is receiving one of the options providing for a continuing lifetime annuity to a surviving spouse under the closed plan may elect to receive an annuity under option 1 or 2 of section 104.1027, or a life annuity under subsection 2 of section 104.1024, provided the person who was married to the member at the time of retirement, if any, consents in writing to such election made pursuant to section 104.1024, or to any election described in this section if the person was married to a member of the Missouri state employees' retirement system.** The effective date of payment of an annuity under the year 2000 plan as provided in this subsection shall begin on July 1, 2000. No adjustment shall be made to retirement benefits paid to the retiree prior to July 1, 2000. In order to calculate a new monthly annuity for retirees electing coverage under the year 2000 plan pursuant to this subsection, the following calculations shall be made:

(1) Except as **otherwise** provided in [subdivision (5) of] this subsection, the retiree's gross monthly retirement annuity in effect immediately prior to July 1, 2000, shall be multiplied by the percentage increase in the life annuity formula between the closed plan and the year 2000 plan. This amount shall be added to the retiree's gross monthly retirement annuity in effect immediately prior to July 1, 2000, to arrive at the retiree's new monthly retirement annuity in the year 2000 plan on July 1, 2000. The age of eligibility and reduction factors applicable to the retiree's original annuity under the closed plan shall remain the same in the annuity payable under the year 2000 plan, except as provided in subdivision (2) of this subsection.

(2) If [an optional form of payment was] **option 1 or 2 pursuant to section 104.1027** is chosen by the retiree [and is available] under the year 2000 plan, the new monthly retirement annuity calculated pursuant to subdivision (1) of this subsection shall be recalculated using the reduction factors **for the option chosen** pursuant to section 104.1027. [If the optional form of payment was chosen by the retiree and is not available under the year 2000 plan, the retiree's annuity shall be recalculated pursuant to subdivision (1) of this subsection, provided that, if the retiree has chosen or is receiving an unreduced annuity prior to July 1, 2000, with a provision that upon the member's death a survivor's benefit equal to one-half the member's annuity at the date of the member's death shall be paid to the member's spouse to whom the member was

married at the date of retirement, then such retiree's annuity shall be recalculated using the reduction factors pursuant to option 1 in subsection 1 of section 104.1027.]

(3) If a temporary annuity is payable pursuant to subsection 4 of section 104.1024 the additional temporary annuity shall be calculated by multiplying the retiree's credited service by the retiree's final average pay by eight-tenths of one percent.

(4) Cost-of-living adjustments paid pursuant to section 104.1045 will commence on the anniversary of the retiree's annuity starting date coincident with or next following July 1, 2000.

(5) Any retiree or other person described in this section who elects coverage under the year 2000 plan based on service rendered as a member of the general assembly or as a statewide elected official shall receive an annuity under the year 2000 plan calculated pursuant to the provisions of section 104.1084 using the current monthly pay at the time of the election with future COLAs calculated pursuant to subsection 7 of section 104.1084.

3. Each person who is an employee and covered by the closed plan and not a retiree of the closed plan on July 1, 2000, shall elect whether or not to change to year 2000 plan coverage prior to the last business day of the month before the person's annuity starting date, and if such election has not been made within such time, annuity payments due beginning on and after the month of the annuity starting date shall be made the month following the receipt by the appropriate system of such election and any other information required by the year 2000 plan created by sections 104.1003 to 104.1093; provided, such election must be after the person has received from the year 2000 plan a written comparison of the person's closed plan coverage and the person's potential year 2000 plan coverage and the election must be made in writing on a form furnished by the appropriate board. If such person dies after the annuity starting date but before making such election and providing such other information, no benefits shall be paid except as required pursuant to section 104.420 **or subsection 2 of section 104.372 for members of the general assembly.**

4. Each person who is not an employee and not a retiree and is eligible for a deferred annuity from the closed plan on July 1, 2000, shall elect whether or not to change to the year 2000 plan coverage prior to the last business day of the month before the person's annuity starting date, and if such election has not been made within such time, annuity payments due beginning on and after the month of the annuity starting date shall be made the month following the receipt by the appropriate system of such election and any other information required by the year 2000 plan created by sections 104.1003 to 104.1093; provided, the election must be after the person has received from the year 2000 plan a written comparison of the person's closed plan coverage and the person's potential year 2000 plan coverage and the election must be made in writing on a form furnished by the appropriate board. If such person dies after the annuity starting date but before making such election and providing such other information, no benefits shall be paid except as required pursuant to section 104.420 **or subsection 2 of section 104.372 for members of the general assembly.**

5. Each person who is not an employee and not a retiree and is eligible for a deferred annuity from the closed plan and returns to covered employment on or after July 1, 2000, shall be covered under the closed plan; provided, such person shall elect whether or not to change to the year 2000 plan coverage prior to the last business day

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of the month before the person's annuity starting date, and if such election has not been made within such time, annuity payments due beginning on and after the month of the annuity starting date shall be made the month following the receipt by the appropriate system of such election and any other information required by the year 2000 plan created by sections 104.1003 to 104.1093 and the election must be after the person has received from the year 2000 plan a written comparison of the person's closed plan coverage and the person's potential year 2000 plan coverage and the election must be made in writing on a form furnished by the appropriate board. If such person dies after the annuity starting date but before making such election and providing such other information, no benefits shall be paid except as required under section 104.420 **or subsection 2 of section 104.372 for members of the general assembly.**

6. Each person who is not an employee and not a retiree and not eligible for a deferred annuity from the closed plan but has forfeited creditable service with the closed plan and becomes an employee after July 1, 2000, shall be changed to year 2000 plan coverage upon such return and receive credited service for all such forfeited creditable service under the closed plan.

**7. Each person who was employed as a member of the general assembly through December 31, 2000, covered under the closed plan, and has served at least two full biennial assemblies as defined in subdivision (24) of subsection 1 of section 104.010 but who is not eligible for a deferred annuity under the closed plan shall be eligible to receive benefits under the new plan pursuant to subdivision (5) of subsection 2 of this section upon meeting the age requirements under the new plan.**

[7.]8. The retirees and persons described in subsections 2 and 4 of this subsection shall be eligible for benefits under those subsections pursuant to subsection 8 of section 104.610.

**104.1024. RETIREMENT, APPLICATION — ANNUITY PAYMENTS, HOW PAID, AMOUNT.** — 1. Any member who terminates employment may retire on or after attaining normal retirement eligibility by making application in written form and manner approved by the appropriate board. The written application shall set forth the annuity starting date which shall be not less than thirty days nor more than ninety days subsequent to the execution and filing of the member's application for retirement.

2. A member's annuity shall be paid in the form of a life annuity, except as provided in section 104.1027, and shall be an amount for life equal to one and seven-tenths percent of the final average pay of the member multiplied by the member's years of credited service.

3. The life annuity defined in subsection 2 of this section shall not be less than a monthly amount equal to fifteen dollars multiplied by the member's **full** years of credited service.

4. If as of the annuity starting date of a member who has attained normal retirement eligibility the sum of the member's years of age and years of credited service equals eighty or more years and if the member's age is at least fifty years but less than sixty-two years, **or, in the case of a member of the highway patrol who shall be subject to the mandatory retirement provision of section 104.080, the mandatory retirement age and completion of five years of credited service, then**

in addition to the life annuity described in subsection 2 of this section, the member shall receive a temporary annuity equal to eight-tenths of one percent of the member's final average pay multiplied by the member's years of credited service. The temporary annuity and any cost-of-living adjustments attributable to the temporary annuity pursuant to section 104.1045 shall terminate at the end of the calendar month in which the earlier of the following events occurs: the member's death or the member's attainment of the earliest age of eligibility for reduced Social Security retirement benefits.

5. The annuity described in subsection 2 of this section for any person who has credited service not covered by the federal Social Security Act, as provided in sections 105.300 to 105.445, RSMo, shall be calculated as follows: the life annuity shall be an amount equal to two and five-tenths percent of the final average pay of the member multiplied by the number of years of service not covered by the federal Social Security Act in addition to one and seven-tenths percent of the final average pay of the member multiplied by the member's years of credited service covered by the federal Social Security Act.

**104.1027. OPTIONS FOR ELECTION OF ANNUITY REDUCTION — SPOUSE'S BENEFITS.** — 1. Prior to the last business day of the month before the annuity starting date, a member or a vested former member shall elect whether or not to have such member's or such vested former member's life annuity reduced, but not any temporary annuity which may be payable, and designate a beneficiary, as provided by the options set forth in this section; provided that if such election has not been made within such time, annuity payments due beginning on and after the month of the annuity starting date shall be made the month following the receipt by the appropriate system of such election and any other information required by the year 2000 plan created by sections 104.1003 to 104.1093, and further provided, that if such person dies after the annuity starting date but before making such election and providing such other information, no benefits shall be paid except as required under section 104.1030:

Option 1. A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable. Such percent shall be ninety percent adjusted as follows: if the retiree's age on the annuity starting date is younger than sixty-two years, an increase of three-tenths of one percent for each year the retiree's age is younger than age sixty-two years, to a maximum increase of three and six-tenths percent; and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of three-tenths of one percent for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting date, an increase of three-tenths of one percent for each year of age difference; provided, after all adjustments the option 1 percent cannot exceed ninety-five percent. Upon the retiree's death, fifty percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity starting date [provided the retiree was married to said spouse for at least one year immediately preceding the annuity starting date] **or as otherwise provided by subsection 5 of this section.**

Option 2. A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable. Such percent shall be eighty- three percent adjusted as follows: if the retiree's age on the annuity starting date is younger than sixty-two

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years, an increase of four-tenths of one percent for each year the retiree's age is younger than sixty-two years, to a maximum increase of four and eight-tenths percent; and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of five-tenths of one percent for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting date, an increase of five-tenths of one percent for each year of age difference; provided, after all adjustments the option 2 percent cannot exceed ninety percent. Upon the retiree's death one hundred percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity starting date [provided the retiree was married to said spouse for at least one year immediately preceding the annuity starting date] **or as otherwise provided by subsection 5 of this section.**

Option 3. A retiree's life annuity shall be reduced to ninety-five percent of the annuity otherwise payable. If the retiree dies before having received one hundred twenty monthly payments, the reduced annuity shall be continued for the remainder of the one hundred twenty month period to the retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value of the remaining annuity payments shall be paid to the retiree's estate. If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred twenty monthly payments, the present value of the remaining annuity payments shall be paid to the beneficiary's estate.

Option 4. A retiree's life annuity shall be reduced to ninety percent of the annuity otherwise payable. If the retiree dies before having received one hundred eighty monthly payments, the reduced annuity shall be continued for the remainder of the one hundred eighty month period to the retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value of the remaining annuity payments shall be paid to the retiree's estate. If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred eighty monthly payments, the present value of the remaining annuity payments shall be paid to the beneficiary's estate.

2. If a member is married as of the annuity starting date [to a person who has been the member's spouse for at least one year immediately preceding said annuity starting date], the member's annuity shall be paid under the provisions of either option 1 or option 2 as set forth in subsection 1 of this section, at the member's choice, with the spouse as the member's designated beneficiary unless the spouse consents in writing to the member electing another available form of payment. [If a member has been married less than one year at the annuity starting date and does not elect an option, the annuity shall be paid as a life annuity.]

3. If a member has elected at the annuity starting date option 1 or 2 pursuant to this section and if the member's spouse or eligible former spouse dies after the annuity starting date but before the member dies, then the member may cancel the member's election and return to the life annuity form of payment and annuity amount, effective the first of the month following the date of such spouse's or eligible former spouse's death.

4. If a member designates a spouse as a beneficiary under this section and subsequently that marriage ends as a result of a dissolution of marriage, such dissolution shall not affect the option election pursuant to this section and the former

spouse shall continue to be eligible to receive survivor benefits upon the death of the member.

5. **Effective July 1, 2000**, a member may make an election under option 1 or 2 after the annuity starting date as described in this section if the member [has been married for at least one year prior to such election and] makes such election within [six months of becoming eligible to make such election] **one year from the date of marriage or July 1, 2000, whichever is later**, pursuant to any of the following circumstances:

- (1) The member elected to receive a life annuity and was not eligible to elect option 1 or 2 on the annuity starting date; or
- (2) The member's annuity reverted to a normal or early retirement annuity pursuant to subsection 3 of this section, and the member remarried.

**104.1042. LONG-TERM DISABILITY, EFFECT ON RETIREE'S ANNUITY.** — 1. Any member who is in the Missouri state employees' retirement system pursuant to the year 2000 plan created by sections 104.1003 to 104.1093 and who becomes disabled and qualifies for long-term disability benefits and retires after August 28, 1999, or who becomes disabled and qualifies for long-term disability benefits under a program provided by the member's employing department and retires after August 28, 1999, shall continue to accrue credited service and such member's rate of pay for purposes of calculating an annuity pursuant to the year 2000 plan created by sections 104.1003 to 104.1093 shall be the member's regular monthly pay received at the time of disablement, increased thereafter for any increases in the consumer price index. Such increases in the member's monthly pay shall be made annually beginning twelve months after disablement and shall be equal to eighty percent of the increase in the consumer price index during the calendar year prior to the adjustment, but not more than five percent of the member's monthly pay immediately before the increase. Such accruals shall continue until the earliest of receipt of an early retirement annuity, attainment of normal retirement eligibility, or termination of disability benefits.

2. A member described in subsection 1 of this section who continues to be disabled until normal retirement eligibility may elect an annuity starting date upon termination of disability payments and shall receive a normal retirement annuity provided for in section 104.1024[; provided, if federal Social Security disability benefits were paid during the disability period, then no temporary annuity otherwise payable shall be paid].

3. If the member's disability terminates, disability accruals described in subsection 1 of this section shall terminate.

4. Upon termination of disability payments and not returning to a position in which the member is an employee, the member's rights to plan benefits shall be determined as if the member had terminated employment at time of termination of disability payments.

5. Any member who was disabled under the closed plan prior to July 1, 2000, and who returns to a position in which the member is an employee after July 1, 2000, shall be covered under the closed plan and shall be eligible to elect coverage under the new plan as provided by subsection 5 of section 104.1015.

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**104.1072. LIFE INSURANCE BENEFITS — MEDICAL INSURANCE FOR CERTAIN RETIREES.** — 1. Each board shall provide or contract, or both, for life insurance benefits for employees covered pursuant to the year 2000 plan as follows:

(1) Employees shall be provided fifteen thousand dollars of life insurance **until December 31, 2000. Effective January 1, 2001, the system shall provide or contract or both for basic life insurance for employees covered under any retirement plan administered by the system pursuant to this chapter, persons covered by sections 287.812 to 287.856, RSMo, for employees who are members of the judicial retirement system as provided in section 476.590, RSMo, and, at the election of the state highways and transportation commission, employees who are members of the highways and transportation employees' and highway patrol retirement system, in the amount equal to one times annual pay, subject to a minimum amount of fifteen thousand dollars. The board shall establish by rule or contract the method for determining the annual rate of pay and any other terms of such insurance as it deems necessary to implement the requirements pursuant to this section. Annual rate of pay shall not include overtime or any other irregular payments as determined by the board.** Such life insurance shall provide for triple indemnity in the event the cause of death is a proximate result of a personal injury or disease arising out of and in the course of actual performance of duty as an employee[. Coverage shall be effective on the first day of the calendar month coinciding with or next following the employee's date of membership];

(2) Upon a member terminating employment and becoming a retiree the month following termination of employment, five thousand dollars of life insurance shall be provided.

2. (1) In addition to the life insurance authorized by the provisions of subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, additional life insurance at a cost to be stipulated in a contract with a private insurance company or as may be required by a system if the board of trustees determines that the system should provide such insurance itself. The maximum amount of additional life insurance which may be so purchased is that amount which equals six times the amount of the person's annual rate of pay, subject to any maximum established by a board, except that if such maximum amount is not evenly divisible by one thousand dollars, then the maximum amount of additional insurance which may be purchased is the next higher amount evenly divisible by one thousand dollars.

(2) Any person defined in subdivision (1) of this subsection may retain an amount not to exceed sixty thousand dollars of life insurance following the date of his or her retirement if such person becomes a retiree the month following termination of employment and makes written application for such life insurance at the same time such person's application is made to the board for retirement benefits. Such life insurance shall only be provided if such person pays the entire cost of the insurance, as determined by the board, by allowing voluntary deductions from the member's annuity.

(3) In addition to the life insurance authorized in subdivision (1) of this subsection, any person for whom life insurance is provided or contracted for pursuant

to this subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, life insurance covering the person's children or the person's spouse or both at coverage amounts to be determined by the board at a cost to be stipulated in a contract with a private insurer or as may be required by the system if the board of trustees determines that the system should provide such insurance itself.

(4) Effective July 1, 2000, any member who applies and is eligible to receive a temporary annuity pursuant to subsection 4 of section 104.1024 shall be eligible to retain any optional life insurance described in subdivision (1) of this subsection. The amount of such retained insurance shall not be greater than the amount in effect during the month prior to termination of employment. Such insurance may be retained until the temporary annuity terminates, at which time the amount of such insurance that may be retained shall be that amount permitted pursuant to subdivision (2) of this subsection.

3. The state highways and transportation commission may provide for insurance benefits to cover medical expenses for members of the **highways and transportation [department] employees'** and highway patrol retirement system. The state highways and transportation commission may provide medical benefits for dependents of members and for retired members. Contributions by the state highways and transportation commission to provide the insurance benefits shall be on the same basis as provided for other state employees pursuant to the provisions of section 104.515. Except as otherwise provided by law, the cost of benefits for dependents of members and for retired members and their dependents shall be paid by the members. The state highways and transportation commission may contract for all, or any part of, the insurance benefits provided for in this section. If the state highways and transportation commission contracts for insurance benefits, or for administration of the insurance plan, such contracts shall be entered into on the basis of competitive bids.

**4. The highways and transportation employees' and highway patrol retirement system may request the state highways and transportation commission to provide life insurance benefits as required in subsections 1 and 2 of this section. If the state highways and transportation commission agrees to the request, the highways and transportation employees' and highway patrol retirement system shall reimburse the state highways and transportation commission for any and all costs for life insurance provided pursuant to subdivision (1) of subsection 1 of this section. The person who is covered pursuant to subsection 2 of this section shall be solely responsible for the costs of any additional life insurance.**

**104.1090. ADDITIONAL CREDITED SERVICE, WHEN. — 1.** Any member who as described in subdivision (1) of subsection 1 of section 104.1009 has been employed in a position covered by the system for at least ten or more years and has received credited service for such employment in the year 2000 plan shall receive additional credited service for previous public employment within the state covered by another retirement plan as defined in section 105.691, RSMo, if all of the following conditions are met:

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(1) Such member has a vested right to receive a retirement benefit from the other retirement plan at the time of application pursuant to this section;

(2) The other retirement plan transfers to the system an amount equal to the employee's **account balance under a defined contribution plan or the amount equal to the employee's pension benefit obligation under a defined benefit plan** at the time of transfer to the extent that obligation is funded as of the plan's most recent actuarial valuation, not to exceed one hundred percent, as determined by the other retirement plan's actuary using the same assumption used in performing the last regular actuarial valuation of the transferring plan, except that in no event shall the transferred amount be less than the employee's accumulated contributions on deposit with the transferring plan;

(3) No such credited service remains credited in such other retirement plan; and

(4) The member applies for the additional credited service **prior to the members's annuity starting date** in manner and form established by the appropriate board. Such additional credited service shall be added to the credited service in the first position of employment held as a member of the system.

**2. Any member described in subsection 3 of section 104.1015 who elects to be covered by the year 2000 plan shall be eligible to receive service under the terms and conditions of subsection 1 of this section.**

**168.021. ISSUANCE OF TEACHERS' LICENSES — EFFECT OF CERTIFICATION IN ANOTHER STATE AND SUBSEQUENT EMPLOYMENT IN THIS STATE.** — 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it,

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctor of philosophy degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to section 168.033 if appropriate, and shall be restricted to those certificates established pursuant to subdivisions (1) and (2) of subsection 4 of this section; or

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee, shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held.

3. Any teacher holding a third class county certificate in the state during the 1972-73 school year shall upon his written request be given an examination by a person designated by the state commissioner of education to determine his eligibility to be granted a certificate of license to teach. The examination shall be comparable to those given by county superintendents to eligible applicants prior to July 1, 1974. Upon successful completion of the examination the applicant shall be issued a certificate by the state board of education entitling the holder to teach in the public schools of the state for a period of three years. A request for such examination must be presented to the commissioner of education on or before March first of the year in which the examination is to be administered. The commissioner of education shall cause the examination to be administered and the certificate issued to those successfully completing it prior to April first of the year in which the application for the examination was received.

4. After September 1, 1988, certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall provide for levels of certification including, but not limited to, an initial professional certificate and culminating with a continuous professional certificate:

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education;

(2) One or more levels of renewable professional certificates shall be issued upon verification of completion of criteria established by the state board of education;

(3) The continuous professional certificate shall be issued upon verification of completion of criteria, which shall not exceed a master's degree or its equivalent and ten years' employment in an educational position, established by the state board of education. The continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines.

5. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures for a teacher who has not been employed in an educational position for three years or more for reasons other than reduction in force.

6. The state board shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the

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public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach.

**7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his/her original date of employment in a Missouri public school.**

**169.060. RETIREMENT AND DISABILITY.** — 1. On and after the first day of July next following the operative date, any member who is sixty or more years of age and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more, or whose creditable service is thirty years or more regardless of age, may retire upon written application to the board of trustees and receive the full retirement benefits on the member's creditable service. Any other member whose creditable service is twenty-five or more years, or who has attained age fifty-five and whose creditable service is at least five years but less than twenty-five years, may retire upon written application to the board of trustees and receive the actuarial equivalent of the benefit to which the member would be entitled if the member was sixty years of age.

2. On and after the first day of July next following the operative date, any member who is teaching in a district included in the retirement system at the time the member becomes disabled, or who has taught in such a district at some time in the twelve months immediately preceding the member becoming disabled, and whose disability is traceable to an injury or sickness which was sustained or commenced prior to the cessation of such teaching, and whose age is less than sixty and whose creditable service in districts included in the retirement system is five years or more, may be retired with disability benefits as provided in sections 169.010 to 169.141 upon written application to the board of trustees, if the member is incapacitated because of physical or mental disability as such disability is herein defined. If such disability shall cease to exist before the recipient of such benefits reaches age sixty, the member's membership status as of the date of the member's disability retirement shall be restored. If the member seeks, before becoming eligible for such retirement allowance, to withdraw the member's accumulated contributions, the total of such disability payments shall be deducted from the amount otherwise due the member.

3. Disability, as a basis for retirement, shall render the individual incapable of earning a livelihood in any occupation and shall be of such a nature as to warrant the assumption that it will be permanent. Whether or not such disability exists in any case shall be adjudged in the manner provided in subsection 15 of section 169.020 by the board of trustees on the basis of reports made by two or more physicians selected by the board to examine the member. Until the member reaches age sixty, the recipient of a disability retirement allowance may be required to submit to periodic examinations by physicians selected by the board, and if any such examination shows that the recipient is no longer incapable of earning a livelihood in any occupation, the

member's disability retirement shall be terminated. **For the purposes of adjustments to Social Security Administration disability benefits pursuant to 20 CFR 404.408 any member receiving disability benefits pursuant to this section who is at least fifty-five years of age and whose creditable service is at least twenty- five years shall be considered to be receiving a normal retirement benefit pursuant to this section.**

**169.070. RETIREMENT ALLOWANCES, HOW COMPUTED, ELECTION ALLOWED, TIME PERIOD — OPTIONS — EFFECT OF FEDERAL O.A.S.I. COVERAGE — COST-OF-LIVING ADJUSTMENT AUTHORIZED — LIMITATION OF BENEFITS — EMPLOYMENT OF SPECIAL CONSULTANT, COMPENSATION, MINIMUM BENEFITS. —**

1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member's final average salary:

(1) Two and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years.

In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:

(3) Between July 1, 1998, and July 1, [2000] **2003**, two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;

(4) Between July 1, 1998, and July 1, [2000] **2003**, two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained age fifty-five;

(5) Between July 1, 1998, and July 1, [2000] **2003**, two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;

(6) Between July 1, 1998, and July 1, [2000] **2003**, two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;

(7) Between July 1, 1998, and July 1, [2000] **2003**, two and two-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

(1) Sixty cents plus one and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called "option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1;

OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred twenty monthly payments shall be paid to the estate of the last person to receive a monthly allowance;

OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the

member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the reserve of the remainder of such sixty monthly payments shall be paid to the estate of the last person to receive a monthly allowance.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's primary beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the member. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's primary beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the estate of the individual, if there be no beneficiary. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual is less than the total of the contributions, the difference shall be paid to the estate of the beneficiary unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or to the estate of the member, if there be no beneficiary; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in

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which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the estate of the beneficiary.

6. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

7. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

8. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

9. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo 1969, shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

10. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

12. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board; with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, **or in the case of any member retiring on or after July 1, 2000, and not for any member retiring before July 1, 2000, the increase provided for in this subsection shall not become effective until the third January first following the member's retirement.** Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed [seventy-five] **eighty** percent of the retirement allowance established at retirement or as previously adjusted by other subsections. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year,

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there will be no increase in allowances for retired members on the following January first.

13. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 12 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

14. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

15. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which would have been paid to him or her up to the time of application.

16. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code.

17. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

- (1) Thirty or more years of service, one thousand two hundred dollars;
- (2) At least twenty-five years but less than thirty years, one thousand dollars;
- (3) At least twenty years but less than twenty-five years, eight hundred dollars;
- (4) At least fifteen years but less than twenty years, six hundred dollars.

18. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service, have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 12 of this section.

19. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received.

20. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the person shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

21. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service.

**22. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a payment equivalent to three and five-tenths percent of the previous month's benefit, which shall be added to the member or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections**

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**12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received.**

**169.075. SURVIVORS' BENEFITS, OPTIONS — PURCHASE OF PRIOR SERVICE CREDITS FOR PREVIOUS SERVICE IN ANOTHER MISSOURI PUBLIC SCHOOL RETIREMENT SYSTEM, COST — MONTHLY RETIREMENT ALLOWANCE — SPECIAL CONSULTANT QUALIFICATION, COMPENSATION, DUTIES.** — 1. Certain survivors specified in this section and meeting the requirements of this section may elect to forfeit any payments payable pursuant to subsection 3 or 5 of section 169.070 and to receive certain other benefits described in this section upon the death of a member prior to retirement, except retirement with disability benefits, whose period of creditable service in districts included in the retirement system is two years or more and who dies (a) while teaching in a district included in the retirement system, or (b) as a result of an injury or sickness incurred while teaching in such a district and within one year of the commencement of such injury or sickness, or (c) while eligible for a disability retirement allowance hereunder.

2. Upon an election pursuant to subsection 1 of this section, a surviving spouse sixty years of age, or upon attainment of age sixty, or a surviving spouse who has been totally and permanently disabled for not less than five years immediately preceding the death of a member if designated as the sole beneficiary, and if married to the member at least three years, and if living with such member at the time of the member's death, shall be entitled to a monthly payment equal to twenty percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year of creditable service as a teacher in a district included in the retirement system until death or recovery prior to age sixty from the disability which qualified the spouse for the benefit, whichever first occurs; provided that the monthly payment shall not be less than five hundred seventy-five dollars or more than eight hundred sixty dollars. A surviving spouse, who is eligible for benefits pursuant to this subsection and also pursuant to subsection 3 of this section may receive benefits only pursuant to subsection 3 of this section as long as the surviving spouse remains eligible pursuant to both subsections, but shall not be disqualified for the benefit provided in this subsection because the surviving spouse may have received payments pursuant to subsection 3 of this section.

3. Upon an election pursuant to subsection 1 of this section, a surviving spouse, if designated as the sole beneficiary, who has in the surviving spouse's care a dependent unmarried child, including a stepchild or adopted child, of the deceased member, under eighteen years of age, shall be entitled to a monthly payment equal to twenty percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year of creditable service as a teacher in a district included in the retirement system until the surviving spouse's death, or the first date when no such dependent unmarried child under age eighteen, or age twenty-four if the child is enrolled in school on a full-time basis, remains in the surviving spouse's care, whichever first occurs; provided that the monthly payment shall not be less than five hundred seventy-five dollars or more than eight hundred sixty dollars. In addition the surviving spouse shall be entitled to a monthly payment equal to one-half this amount, provided that the monthly payment shall not be less than three hundred dollars, for

each such dependent unmarried child under eighteen years of age, or age twenty-four if the child is enrolled in school on a full-time basis, who remains in the surviving spouse's care. Further, in addition to the monthly payment to the surviving spouse as provided for in this subsection, each dependent unmarried child under the age of eighteen years of the deceased member not in the care of such surviving spouse shall be entitled to a monthly payment equal to one-half of the surviving spouse's monthly payment which shall be paid to the child's primary custodial parent or legal guardian; provided that the payment because of an unmarried dependent child shall be made until the child attains age twenty-four if the child is enrolled in school on a full-time basis; provided, however, that the total of all monthly payments to the surviving spouse, primary custodial parent or legal guardian, including payments for such dependent unmarried children, shall in no event exceed two thousand one hundred sixty dollars, the amount of the children's share to be allocated equally as to each dependent unmarried child eligible to receive payments pursuant to this subsection.

4. Upon an election pursuant to subsection 1 of this section if the designated beneficiary is a dependent unmarried child as defined in this section or automatically upon the death of a surviving spouse receiving benefits pursuant to subsection 3 of this section, each surviving dependent unmarried child, including a stepchild or adopted child, of the deceased member, under eighteen years of age, or such a child under age twenty-four if the child is enrolled in school on a full-time basis, shall be entitled to a monthly payment equal to sixteen and two-thirds percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year of creditable service as a teacher in a district included in the retirement system until death, marriage, adoption, or attainment of age eighteen or age twenty-four if enrolled in school on a full-time basis, whichever first occurs; provided that the monthly payment shall not be less than five hundred dollars or more than seven hundred twenty dollars, and provided further that any child of the deceased member who is disabled before attainment of age eighteen because of a physical or mental impairment which renders the child unable to engage in any substantial gainful activity and which disability continues after the child has attained age eighteen shall be entitled to a like monthly payment, until death, marriage, adoption, or recovery from the disability, whichever first occurs; provided, however, that the total of all monthly payments to the surviving dependent unmarried children shall in no event exceed two thousand one hundred sixty dollars.

5. Upon an election pursuant to subsection 1 of this section, a surviving dependent parent of the deceased member, over sixty-five years of age or upon attainment of age sixty-five if designated as the sole beneficiary, provided such dependent parent was receiving at least one-half of the parent's support from such member at the time of the member's death and provided the parent files proof of such support within two years of such death, shall be entitled to a monthly payment equal to sixteen and two-thirds percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year as a teacher in a district included in the retirement system until death; provided that the monthly payment shall not be less than five hundred dollars or more than seven hundred twenty dollars. If the other parent also is a dependent, as defined in this section, the same amount shall be paid to each until death.

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6. All else in this section to the contrary notwithstanding, a survivor may not be eligible to benefit pursuant to this section because of more than one terminated membership, and be it further provided that the board of trustees shall determine and decide all questions of doubt as to what constitutes dependency within the meaning of this section.

7. The provisions added to subsection 3 of this section in 1991[, other than the provisions increasing dollar limitations,] are intended to clarify the scope and meaning of this section as originally enacted and shall be applied in all cases in which such an election has occurred or will occur.

**8. After July 1, 2000, all benefits payable pursuant to subsections 1 to 7 of this section shall be payable to eligible current and future survivor beneficiaries in accordance with this section.**

9. The system shall pay a monthly retirement allowance for the month in which a retired member, beneficiary or survivor receiving a retirement allowance or survivor benefit dies.

**169.600. DEFINITIONS.** — As used in sections 169.600 to 169.710, unless the context clearly requires otherwise, the following words and phrases mean:

(1) "Accumulated contributions", the sum of the annual contributions a member has made to the retirement system through deductions from the member's salary, plus interest compounded annually on each year's contributions from the end of the school year during which such contributions were made;

(2) "Average compensation", as used in subdivision (3) of subsection 1 of section 169.670, shall be the total compensation paid to a member for any ten consecutive years of creditable service, or for the entire period of creditable service if less than ten years, prior to July 1, 1973, divided by one hundred twenty or by the number of months in the member's period of creditable service if less than ten years; provided, that in determining the total compensation, any annual compensation entering into the total shall not be less than one thousand two hundred dollars and shall not exceed ten thousand dollars;

(3) "Board", the board of trustees provided for in section 169.020;

(4) "Creditable service", prior service or membership service or the sum of the two if the member has both to the member's credit;

(5) "Employee", any person regularly employed by a public school district, junior college district or by the board of trustees, as defined in sections 169.600 to 169.710, who devotes at least twenty hours per week to such employment in a position which is not covered by the public school retirement system of Missouri; provided, however, that no person shall be required to contribute to, or shall receive benefits from both the retirement system herein established and the public school retirement system of Missouri for the same services;

(6) "Employer", the district or other employer that makes payment directly to the employee for the employee's services;

(7) "Final average salary", the total compensation paid to a member for any [five] **three** consecutive years of creditable service divided by [sixty] **thirty-six**; provided, that in determining the total compensation, any annual compensation less than one thousand two hundred dollars shall be regarded as one thousand two hundred dollars

and an annual compensation for services prior to July 1, 1973, in excess of ten thousand dollars shall be regarded as ten thousand dollars; and provided, that the board may set a maximum percentage of increase in annual compensation from one year to the next in the final average salary period;

(8) "Junior college district", any public junior college district organized and operated pursuant to the provisions of sections 178.770 to 178.890, RSMo, which enters into an agreement with the board of trustees of the retirement system to include its eligible employees in the system immediately upon the effective date of the agreement;

(9) "Member", a person who holds membership in the retirement system;

(10) "Membership service", service rendered by a member of the system after the system becomes operative;

(11) "Prior service", service rendered by a member of the retirement system before the system becomes operative and may include service as a teacher for which credit has not been claimed from the public school retirement system of Missouri;

(12) "Public school district" or "district", any duly constituted public school district under the authority and supervision of a duly elected district or city or town board of directors or board of education, except those school districts defined in sections 169.270 and 169.410;

(13) "Retirement allowance", a monthly payment for life, during retirement;

(14) "Retirement system" or "system", the nonteacher school employee retirement system of Missouri created by sections 169.600 to 169.710;

(15) "Salary", "salary rate" or "compensation" shall mean the regular remuneration which is earned by a member as an employee of a district, but not including employer-paid fringe benefits except the value of employer-paid medical benefits (including dental and vision) for members, and not including consideration for agreeing to retire or other nonrecurring or unusual payments that are not a part of regular remuneration. The board by its rules may further define salary, salary rate and compensation in a manner consistent with this definition and with sections 169.600 to 169.715;

(16) "School year", the year from July first of one year to June thirtieth of the next year, inclusive, which shall also be the fiscal year of the system.

**169.620. CONTRIBUTIONS BY MEMBERS AND EMPLOYERS — RATE — PENALTY FOR FAILURE TO REMIT — BENEFITS TO BE REDUCED, WHEN — PURCHASE OF SERVICE CREDIT, CERTAIN MEMBERS, HOW. —** 1. The funds required for the operation of the retirement system created by sections 169.600 to 169.715 shall come from contributions made in equal amounts by employees as herein defined and their employers, beginning November 1, 1965, and from such interest or income as may be derived from the investment of funds of the system. All contributions shall be transmitted to the board of trustees by employers in such manner and at such times as the board by rule shall require.

2. For each school year following the date on which the system becomes operative, each and every employer of one or more persons who are members of the system shall transmit to the board of trustees, in the manner and accompanied by such supporting data as the board shall prescribe, twice the amount that is deductible from

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the pay of such employee or employees during the school year. Failure or refusal to transmit such amount as required shall render the person or persons responsible therefor individually liable for twice the amount so withheld. Suits for the recovery of amounts for which individuals are thus rendered liable shall be instituted and prosecuted by the board of trustees in the name of the retirement system. In addition to such civil penalty, and not in lieu thereof, any person or persons made responsible for the remittance of contributions who shall willfully and knowingly fail or refuse to transmit such contributions or any part thereof to the board of trustees shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars and not more than two hundred dollars. Each day such person or persons shall so fail or refuse to transmit such contributions shall be deemed a separate offense. The board of trustees may request the employer to provide the information necessary to administer the system and to advise each member of such member's status.

3. The contributions of members of the retirement system shall be collected by their employers through appropriate deductions from paychecks. The total amount deducted from the paychecks of members during any school year shall equal such a percent of their salary rates as may be required by the contribution rate then in effect. For contribution purposes any annual salary rate less than one thousand two hundred dollars shall be regarded as one thousand two hundred dollars. Contributions transmitted to the retirement system before February 20, 1996, based on salary rates which either included or excluded employer-paid medical benefits for members, shall be deemed to have been in compliance with this section. The retirement system shall not refund or adjust contributions or adjust benefit determinations with respect to any period before February 20, 1996, solely because of the treatment of employer-paid medical benefits for members. Effective December 31, 1995, compensation in excess of the limitations set forth in section 401(a)(17) of title 26 of the United States Code shall be disregarded for purposes of determining contributions pursuant to this section and calculating benefits paid by the nonteacher school employee retirement system of Missouri. The limitation on compensation for eligible employees shall not be less than the amount which was allowed to be taken into account under the system as in effect on July 1, 1993. For the purpose of this subsection, an "eligible employee" is an individual who was a member of the system before July 1, 1996.

4. The contribution rate shall be three percent of earnings until July 1, 1982. [After July 1, 1982,] The board of trustees is authorized to fix the level rate of contribution, which shall not exceed [four and one-half] **five** percent, required for the operation of the system and to make adjustments in such rate as may thereafter be necessary; provided that, if the level rate required for the operation of the system shall exceed [four and one-half] **five** percent for five consecutive years, all benefits herein provided shall be equitably reduced to such an extent that the rate required for the operation of the system shall be [four and one-half] **five** percent.

5. Regardless of the provisions of any law governing compensation and contracts, every employee shall be deemed to consent and agree to the deductions provided herein. Payment of salary or compensation less such deduction shall be a full and complete discharge of all salary or compensation claims and demands during the

period covered by such payment, except as to the benefits provided pursuant to sections 169.600 to 169.715.

6. A person serving as an employee as defined in section 169.600, who became a member after November 1, 1965, and before July 1, 1974, and who was regularly employed to serve for twenty or more hours per week at some time during the period November 1, 1965, to July 1, 1974, may receive membership service credit for such service by paying into the system the amount, with interest at such rate as may be set by the board within the limits set by law for interest rates, the person would have contributed had the person been eligible for membership.

7. Any member who rendered service as an employee as defined in section 169.600 for a junior college district at any time between October 31, 1965, and the effective date of an agreement between the junior college and the board of trustees as provided in section 169.600 may elect to purchase membership service credit for that service. The election shall include all service for which the member is eligible to purchase credit, and shall be made prior to retirement. The purchase shall be effected by the member's paying to the system with interest, and within the time period allowed by law for the election, the contributions which would have been deducted from the employee's salary had the employee been a member during the period or periods of such service, and had the contribution rate in effect at the date of election been in effect at the time the service was rendered. Other provisions of law to the contrary notwithstanding, no membership credit shall be allowed pursuant to the provisions of this section which exceeds in length the member's creditable service for employment rendered after October 31, 1965.

**169.663. DISABILITY RETIREMENT, WHEN — RETURN TO DUTY, EFFECT OF DISABILITY PAYMENTS — DISABILITY DEFINED.** — 1. On or after July first next following October 13, 1969, any member who is serving an employer included in the system at the time the member becomes disabled, or who has served in such a district at some time in the twelve months immediately preceding the member's becoming disabled, and whose disability is traceable to an injury or sickness which was sustained or commenced prior to the cessation of such service, and whose age is less than sixty and whose creditable service is five years or more, may be retired with disability benefits upon written application to the board of trustees, if the member is incapacitated because of physical or mental disability as such disability is herein defined. If such disability shall cease to exist before the recipient of such benefits reaches age sixty, the member's membership status as of the date of the member's disability retirement shall be restored. If the member dies before becoming eligible for a retirement allowance, or if the member seeks to withdraw the member's accumulated contributions, the total of such disability payments shall be deducted from the amount otherwise due the member, the member's beneficiary, or the member's estate.

2. "Disability", as a basis for retirement, shall render the individual incapable of earning a livelihood in any occupation and shall be of such nature as to warrant the assumption that it will be permanent. Whether or not such disability exists, in any case, shall be adjudged in the manner provided in subsection 15 of section 169.020 by the board of trustees on the basis of evidence that the board by its regulations may require.

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**3. For the purposes of adjustments to Social Security Administration disability benefits pursuant to 20 CFR 404.408 any member receiving disability benefits pursuant to this section who is at least fifty-five years of age and whose creditable service is at least twenty-five years shall be considered to be receiving a normal retirement benefit pursuant to this section.**

**169.670. BENEFITS, HOW COMPUTED — BENEFICIARY BENEFITS, OPTIONS, ELECTION OF.** — 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, **or whose sum of age and creditable service equals eighty years or more**, [or who has attained the age of fifty-five years of age and has at least twenty-five years of creditable service.] or whose creditable service is thirty years or more regardless of age, shall be the sum of the following items:

(1) For each year of membership service, one and [forty-five] **fifty-one** hundredths percent of the member's final average salary;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service;

(3) Eighty-five one-hundredths of one percent of any amount by which the member's average compensation for services rendered prior to July 1, 1973, exceeds the average monthly compensation on which federal Social Security taxes were paid during the period over which such average compensation was computed, for each year of membership service credit for services rendered prior to July 1, 1973, plus six-tenths of the amount payable for a year of membership service for each year of prior service credit; [and]

(4) In lieu of the retirement allowance otherwise provided by subdivisions (1) to (3) of this subsection, between [July 1, 1996, and] July 1, 2000, **and July 1, 2003**, a member may elect to receive a retirement allowance of:

(a) One and [forty-three] **forty-nine** hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years and the member has not attained the age of fifty-five;

(b) One and [forty-one] **forty-seven** hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained the age of fifty-five;

(c) One and [thirty-nine] **forty-five** hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years and the member has not attained the age of fifty-five;

(d) One and [thirty-seven] **forty-three** hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years and the member has not attained the age of fifty-five;

(e) One and [thirty-five] **forty-one** hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service

is twenty-five years or more but less than twenty-six years and the member has not attained the age of fifty-five[.]; and

**(5) In addition to the retirement allowance provided in subdivisions (1) to (3) of this subsection, a member retiring on or after July 1, 2000, whose creditable service is thirty years or more or whose sum of age and creditable service is eighty years or more, shall receive a temporary retirement allowance equivalent to four-tenths of one percent of the member's final average salary multiplied by the member's years of service until such time as the member reaches the minimum age for social security retirement benefits.**

2. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases five percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by five percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board; provided that, the increase provided in this subsection shall not become effective until the fourth January first following a member's retirement or January 1, 1982, whichever occurs later, and the total of the increases granted to a retired member or the beneficiary after December 31, 1981, may not exceed seventy-five percent of the retirement allowance established at retirement or as previously adjusted by other provisions of law. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

3. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 2 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; provided that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1981.

4. (1) In lieu of the retirement allowance provided in subsection 1 of this section, called "option 1", a member whose creditable service is [thirty] **twenty-five** years or more or who has attained age fifty-five with five or more years of creditable service may elect, in the application for retirement, to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death, the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated

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in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred twenty monthly payments shall be paid to the estate of the last person to receive a monthly allowance;

OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the reserve for the remainder of such sixty monthly payments shall be paid to the estate of the last person to receive a monthly allowance;

OR

Option 7. A plan of variable monthly benefit payments which provides, in conjunction with the member's retirement benefits under the federal Social Security laws, level or near-level retirement benefit payments to the member for life during retirement, and if authorized, to an appropriate beneficiary designated by the member. Such a plan shall be actuarially equivalent to the retirement allowance under option 1 and shall be available for election only if established by the board of trustees under duly adopted rules.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after attaining age fifty-five and acquiring five or more years of creditable service or after acquiring [thirty] **twenty-five** or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's primary beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship payments

under option 2 or a payment of the member's accumulated contributions. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 of this section.

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than [thirty] **twenty- five** years of creditable service, and the person named as the primary beneficiary has an insurable interest in the life of the deceased member or disability retiree, the designated beneficiary may elect to receive either a payment of the person's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the person's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 of this section.

5. If the total of the retirement allowances paid to an individual before the person's death is less than the person's accumulated contributions at the time of the person's retirement, the difference shall be paid to the person's beneficiary or to the person's estate; provided, however, that if an optional benefit, as provided in option 2, 3 or 4 in subsection 4, had been elected and the beneficiary dies after receiving the optional benefit, then, if the total retirement allowances paid to the retired individual and the individual's beneficiary are less than the total of the contributions, the difference shall be paid to the estate of the beneficiary unless the retired individual designates a different recipient with the board at or after retirement.

6. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the member's death shall be paid to the member's beneficiary or to the member's estate, if there be no beneficiary; provided, however, that no such payment shall be made if the beneficiary elects option 2 in subsection 4 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the estate of the beneficiary.

7. If a member ceases to be an employee as defined in section 169.600 and certifies to the board of trustees that such cessation is permanent or if the person's membership is otherwise terminated, the person shall be paid the person's accumulated contributions with interest.

8. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, if a member ceases to be an employee as defined in section 169.600 after acquiring five or more years of creditable service, the member may, at the option of the member, leave the member's contributions with the retirement system and claim a retirement allowance anytime after the member reaches the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.600 to 169.715 on the basis of the member's age and years of service.

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9. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty.

10. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, any member who is a member prior to October 13, 1969, may elect to have the member's retirement allowance computed in accordance with sections 169.600 to 169.715 as they existed prior to October 13, 1969.

11. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

12. Notwithstanding any other provision of law, any person retired prior to August 14, 1984, who is receiving a reduced retirement allowance under option 1 or 2 of subsection 4 of this section, as the option existed prior to August 14, 1984, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have the person's retirement allowance increased to the amount the person would have been receiving had the person not elected the option, actuarially adjusted to recognize any excessive benefits which would have been paid to the person up to the time of the application.

13. Benefits paid pursuant to the provisions of the nonteacher school employee retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code.

14. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

**15. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to three and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.**

**173.003. RETIREMENT AND SEVERANCE POLICIES, UNIFORMITY REQUIREMENT.**  
— Retirement, severance and associated salary continuance policies and plans of approved public institutions, as defined in section 173.205, shall be applied uniformly, consistently and fairly to all similarly situated officials and employees of such approved public institutions; and no employee or official shall be singled

**out for retirement or severance benefits which are inconsistent with the formally adopted policies and plans of such approved public institutions.**

**355.561. AMENDMENT TO ARTICLES BY BOARD OR MEMBERS.** — 1. Unless this chapter, the articles, bylaws, the members acting pursuant to subsection 2 of this section, or the board of directors acting pursuant to subsection 3 of this section, require a greater vote or voting by class, an amendment to a corporation's articles to be adopted must be approved:

(1) By the board if the corporation is a public benefit corporation, **other than a church or a convention or association of churches as described in subsection 6 of this section**, and the amendment does not relate to the number of directors, the composition of the board, the term of office of directors, or the method or way in which directors are elected or selected;

(2) Except as provided in subsection 1 of section 355.556, by the members by two-thirds of the votes cast or a majority of the voting power, whichever is less; and

(3) In writing by any person or persons whose approval is required by a provision of the articles authorized by section 355.606.

2. The members may condition the amendment's adoption on receipt of a higher percentage of affirmative votes or on any other basis.

3. If the board initiates an amendment to the articles or board approval is required by subsection 1 of this section to adopt an amendment to the articles, the board may condition the amendment's adoption on receipt of a higher percentage of affirmative votes or any other basis.

4. If the board or the members seek to have the amendment approved by the members at a membership meeting, the corporation shall give notice to its members of the proposed membership meeting in writing in accordance with section 355.251. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the proposed amendment and contain or be accompanied by a copy or summary of the amendment.

5. If the board or the members seek to have the amendment approved by the members by written consent or written ballot, the material soliciting the approval shall contain or be accompanied by a copy or summary of the amendment.

**6. An amendment to the articles of a public benefit corporation, which is a church or a convention or association of churches, to be adopted must be approved:**

**(1) By the members by two-thirds of the votes cast or a majority of the voting power, whichever is less; and**

**(2) In writing by any person or persons whose approval is required by a provision of the articles or bylaws authorized by section 355.606.**

**355.596. AMENDMENT BY DIRECTORS AND MEMBERS.** — 1. Unless this chapter, the articles, bylaws, the members acting pursuant to subsection 2 of this section, or the board of directors acting pursuant to subsection 3 of this section, require a greater vote or voting by class, an amendment to a corporation's bylaws to be adopted must be approved:



(1) By the board if the corporation is a public benefit corporation, **other than a church or a convention or association of churches as described in subsection 6 of this section**, and the amendment does not relate to the number of directors, the composition of the board, the term of office of directors, or the method or way in which directors are elected or selected;

(2) By the members by two-thirds of the votes cast or a majority of the voting power, whichever is less; and

(3) In writing by any person or persons whose approval is required by a provision of the articles authorized by section 355.606.

2. The members may condition the amendment's adoption on its receipt of a higher percentage of affirmative votes or on any other basis.

3. If the board initiates an amendment to the bylaws or board approval is required by subsection 1 of this section to adopt an amendment to the bylaws, the board may condition the amendment's adoption on receipt of a higher percentage of affirmative votes or on any other basis.

4. If the board or the members seek to have the amendment approved by the members at a membership meeting, the corporation shall give notice to its members of the proposed membership meeting in writing in accordance with section 355.251. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider the proposed amendment and contain or be accompanied by a copy or summary of the amendment.

5. If the board or the members seek to have the amendment approved by the members by written consent or written ballot, the material soliciting the approval shall contain or be accompanied by a copy or summary of the amendment.

**6. An amendment to the bylaws of a public benefit corporation, which is a church or a convention or association of churches, to be adopted must be approved:**

(1) By the members by two-thirds of the votes cast or a majority of the voting power, whichever is less; and

(2) In writing by any person or persons whose approval is required by a provision of the bylaws authorized by section 355.606.

**476.687. PREVIOUS STATE EMPLOYMENT, ADDITIONAL CREDITED SERVICE. —** Any judge as defined in section 476.515 who is actively serving pursuant to this chapter or chapter 56, RSMo, and has served for at least ten years shall receive additional credited service for previous public employment with the state covered by another retirement plan as defined in section 105.691, RSMo, if all of the following conditions are met:

(1) Such member has a vested right to receive a retirement benefit from the other retirement plan at the time of application pursuant to this section and is not a retiree under the other retirement plan;

(2) The other retirement plan transfers to the system an amount equal to the employee's account balance under a defined contribution plan or the amount equal to the employee's pension obligation under a defined benefit plan at the time of transfer to the extent that obligation is funded as of the plan's most recent actuarial valuation, not to exceed one hundred percent, as determined by the

other retirement plan's actuary using the same assumption used in performing the last regular actuarial valuation of the transferring plan, except that in no event shall the transferred amount be less than the employee's accumulated contributions on deposit with the transferring plan;

(3) No such credited service remains credited in such other retirement plan;

(4) The member applies for the additional credited service in a manner and form established by the appropriate board.

**476.690. ELIGIBLE JUDGE ELECTING NOT TO RETIRE SHALL RECEIVE IN ADDITION TO RETIREMENT COMPENSATION ALL ANNUAL COST-OF-LIVING INCREASES GIVEN TO RETIRED JUDGES — APPOINTMENT AS SPECIAL CONSULTANT.**

— 1. Any judge who has become eligible to receive retirement compensation pursuant to section 476.520 and who has elected not to retire and has continued to serve as a judge after August 28, 1995, shall have added to the retirement compensation when the judge retires or dies an amount equal to the total of all annual cost-of-living increases that retired judges received between the time the judge first became eligible to retire and the year the judge actually retires or dies. In no event shall the total increase in compensation granted pursuant to this section and section 476.601 exceed sixty-five percent of the judge's retirement compensation calculated at the time of retirement or death.

2. Any judge who was eligible to retire on August 28, 1995, and elected to continue to serve as a judge after such date, but who retired before August 28, 1996, shall, upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the court from which the judge retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such request. As compensation for such services, the consultant shall have the retirement benefit recalculated from the date of the retirement, pursuant to the provisions of subsection 1 of this section.

3. Any judge who retired prior to August 28, 1995, and who is receiving judicial retirement compensation on September 1, 2000, shall upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the judge's life. Upon request of the board or the court from which the judge retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such request. As compensation for such services, the consultant shall have the consultant's retirement benefit recalculated as if subsection 1 of this section was in effect on the consultant's date of retirement. Any monthly benefit increases payable pursuant to this subsection shall become effective September 1, 2000. In no event shall the system make any retroactive compensation payments under this subsection.

**513.430. PROPERTY EXEMPT FROM ATTACHMENT — BENEFITS FROM CERTAIN EMPLOYEE PLANS, EXCEPTION — BANKRUPTCY PROCEEDING, FRAUDULENT**

**TRANSFERS, EXCEPTION — CONSTRUCTION OF SECTION.** — 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed one thousand dollars in value in the aggregate;

(2) Jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value four hundred dollars in the aggregate;

(4) Any implements, professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed two thousand dollars in value in the aggregate;

(5) Any motor vehicle, not to exceed one thousand dollars in value;

(6) Any mobile home used as the principal residence, not to exceed one thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value five thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within six months prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a local public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed five hundred dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any similar plan described, defined, or established pursuant to section 456.072, RSMo, **the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or** annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 USC 401(a), 403(a), 403(b), 408, 408A or 409);

except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified under Section 401(k), 403(a)(3), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its division of family services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended.

If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in section 456.630, RSMo, and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support

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or maintenance, any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to provide equitable treatment and timely application of certain pension benefits and compensation, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect on July 1, 2000, or upon its passage and approval, whichever later occurs.

Approved May 30, 2000

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HB 1848 [CCS SCS HB 1848]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Modifies provisions relating to the licensing of certain health practitioners.**

AN ACT to repeal sections 324.130 and 334.040, RSMo Supp. 1999, relating to licensing of health practitioners, and to enact in lieu thereof two new sections relating to the same subject.

SECTION

A. Enacting clause.

324.130. Application eligibility, when.

334.040. Examination of applicants, how conducted, grades required, time limitations, extensions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 324.130 and 334.040, RSMo Supp. 1999, are repealed and two new sections enacted in lieu thereof, to be known as sections 324.130 and 334.040, to read as follows:

**324.130. APPLICATION ELIGIBILITY, WHEN.** — Notwithstanding the provisions of sections 324.125 to 324.183 **prior to but not beyond January 1, 2001**, a person is eligible to make application to the board and receive a license, if the person is actively engaged in the practice of perfusion consistent with sections 324.125 to 324.183 and if the person meets one of the following requirements:

(1) The person, on August 28, 1997, was operating cardiopulmonary bypass systems during cardiac surgical cases in a licensed health care facility as the person's primary function and had been operating the systems for at least the immediately preceding eight years; or

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(2) The person has at least six years' experience, within the last eight years, operating cardiopulmonary bypass systems during cardiac surgical cases in a licensed health care facility as the person's primary function.

**334.040. EXAMINATION OF APPLICANTS, HOW CONDUCTED, GRADES REQUIRED, TIME LIMITATIONS, EXTENSIONS.** — 1. Except as provided in section 334.260, all persons desiring to practice as physicians and surgeons in this state shall be examined as to their fitness to engage in such practice by the board. All persons applying for examination shall file a completed application with the board at least eighty days before the date set for examination upon blanks furnished by the board.

2. The examination shall be sufficient to test the applicant's fitness to practice as a physician and surgeon. The examination shall be conducted in such a manner as to conceal the identity of the applicant until all examinations have been scored. In all such examinations an average score of not less than seventy-five percent is required to pass; provided, however, that the board may require applicants to take the Federation Licensing Examination, also known as FLEX, or the United States Medical Licensing Examination (USMLE). If the FLEX examination is required, a weighted average score of no less than seventy-five percent is required to pass. The passing score of the United States Medical Licensing Examination shall be determined by the board through rule and regulation. The board shall not issue a permanent license as a physician and surgeon or allow the Missouri state board examination to be administered to any applicant who has failed to achieve a passing score within three attempts on licensing examinations administered in one or more states or territories of the United States, the District of Columbia or Canada. The steps one, two and three of the United States Medical Licensing Examination shall be taken within a seven-year period with no more than three attempts on any step of the examination; **however, the board may grant an extension of the seven-year period if the applicant has obtained a MD/PhD degree in a program accredited by the liaison committee on medical education (LCME) and a regional university accrediting body.** The board may waive the provisions of this section if the applicant is licensed to practice as a physician and surgeon in another state of the United States, the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or the District of Columbia and no license issued to the applicant has been disciplined in any state or territory of the United States or the District of Columbia. Prior to waiving the provisions of this section, the board may require the applicant to achieve a passing score on one of the following:

(1) The American Specialty Board's certifying examination in the physician's field of specialization;

(2) Part II of the FLEX; or

(3) The Federation portion of the State Medical Board's Special Purpose Examination (SPEX).

3. If the board waives the provisions of this section, then the license issued to the applicant may be limited or restricted to the applicant's board specialty. Scores from one test administration shall not be combined or averaged with scores from other

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test administrations to achieve a passing score. The board shall not be permitted to favor any particular school or system of healing.

Approved June 27, 2000

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HB 1948 [CCS SCS HB 1948]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Changes law regarding permits for concrete pump trucks, length limits for dromedary units, and auto insurance.**

AN ACT to repeal section 304.180, RSMo 1994, and sections 301.010, 303.025, 303.409, 304.170 and 304.200, RSMo Supp. 1999, relating to the regulation of the operation of motor vehicles, and to enact in lieu thereof six new sections relating to the same subject.

SECTION

A. Enacting clause.

301.010. Definitions.

303.025. Duty to maintain financial responsibility, misdemeanor penalty for failure to maintain — exception, methods — court to notify revenue, additional punishment, right of appeal.

303.409. Failure to maintain financial responsibility, notice, right to hearing — suspension, duration, factors, extension for failure to file proof of insurance, maintenance of proof — exception for inoperable or stored motor vehicles.

304.170. Regulations as to width, height and length of vehicles — exceptions.

304.180. Regulations as to weight — axle load, tandem axle defined.

304.200. Special permits for oversize or overweight loads — rules for issuing — when valid.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 304.180, RSMo 1994, and sections 301.010, 303.025, 303.409, 304.170 and 304.200, RSMo Supp. 1999, are repealed and six new sections enacted in lieu thereof, to be known as sections 301.010, 303.025, 303.409, 304.170, 304.180 and 304.200, to read as follows:

**301.010. DEFINITIONS.** — As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control;

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

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(3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

(5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(10) "Director" or "director of revenue", the director of the department of revenue;

(11) "Driveaway operation", the movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(12) **"Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;**

(13) "Farm tractor", a tractor used exclusively for agricultural purposes;

[(13)] (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

[(14)] (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

[(15)] (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

[(16)] (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

[(17)] (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

[(18)] (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

[(19)] (20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

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[(20)] (21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

[(21)] (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

[(22)] (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

[(23)] (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of twenty-five miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

[(24)] (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

[(25)] (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a fifty-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, does not have more than four axles and does not pull a trailer which has more than two axles. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

[(26)] (27) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

[(27)] **(28)** "Log truck", a vehicle which is not a local log truck and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

[(28)] **(29)** "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

[(29)] **(30)** "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

[(30)] **(31)** "Mobile scrap processor", a business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling;

[(31)] **(32)** "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

[(32)] **(33)** "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

[(33)] **(34)** "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

[(34)] **(35)** "Motorcycle", a motor vehicle operated on two wheels;

[(35)] **(36)** "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

[(36)] **(37)** "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

[(37)] **(38)** "Municipality", any city, town or village, whether incorporated or not;

[(38)] **(39)** "Nonresident", a resident of a state or country other than the state of Missouri;

[(39)] **(40)** "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

[(40)] **(41)** "Operator", any person who operates or drives a motor vehicle;

[(41)] **(42)** "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled

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to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law;

[(42)] **(43)** "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

[(43)] **(44)** "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

[(44)] **(45)** "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

[(45)] **(46)** "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

[(46)] **(47)** "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

[(47)] **(48)** "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a double saddlemount combination. When three vehicles are towed in this manner, the combination is called a triple saddlemount combination;

[(48)] **(49)** "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

[(49)] **(50)** "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it, or by an insurance company as a result of settlement of a claim for loss due to damage or theft; or a vehicle, ownership of which is evidenced by a salvage title; or abandoned property which is titled pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words "salvage/abandoned property";

[(50)] **(51)** "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

[(51)] **(52)** "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business

of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

[(52)] (53) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, **concrete pump trucks**, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

[(53)] (54) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

[(54)] (55) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

[(55)] (56) "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

[(56)] (57) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

[(57)] (58) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010, RSMo;

[(58)] (59) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

[(59)] (60) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional "A dolly" connected truck-tractor semitrailer-trailer combination;

[(60)] (61) "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of

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gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

[(61)] (62) "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

[(62)] (63) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

[(63)] (64) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

[(64)] (65) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

[(65)] (66) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

**303.025. DUTY TO MAINTAIN FINANCIAL RESPONSIBILITY, MISDEMEANOR PENALTY FOR FAILURE TO MAINTAIN — EXCEPTION, METHODS — COURT TO NOTIFY REVENUE, ADDITIONAL PUNISHMENT, RIGHT OF APPEAL. — 1.** No owner of a motor vehicle registered in this state, or required to be registered in this state, shall operate, register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, unless the owner maintains the financial responsibility which conforms to the requirements of the laws of this state. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle; **however, no owner shall be in violation of this subsection if he or she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation. The director may prescribe rules and regulations for the implementation of this section.**

2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner provided for in section 303.160, or with a motor vehicle liability policy which conforms to the requirements of the laws of this state.

3. Any person who violates this section is guilty of a class C misdemeanor. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of this section at the time the peace officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the citation. In addition to any other authorized punishment, the court shall notify the director of revenue of any person convicted pursuant to this section and shall do one of the following:

(1) Enter an order suspending the driving privilege as of the date of the court order. If the court orders the suspension of the driving privilege, the court shall require the defendant to surrender to it any driver's license then held by such person. The length of the suspension shall be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of revenue the order of suspension of driving privilege and any license surrendered within ten days;

(2) Forward the record of the conviction for an assessment of four points; or

(3) In lieu of an assessment of points, render an order of supervision as provided in section 302.303, RSMo. An order of supervision shall not be used in lieu of points more than one time in any thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this section shall forward a record of conviction or the order of supervision to the department of revenue within ten days. The director shall establish procedures for the record keeping and administration of this section.

4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed as prohibiting the department of insurance from approving or authorizing those exclusions and limitations which are contained in automobile liability insurance policies and the uninsured motorist provisions of automobile liability insurance policies.

5. If a court enters an order of suspension, the offender may appeal such order directly pursuant to chapter 512, RSMo, and the provisions of section 302.311, RSMo, shall not apply.

**303.409. FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY, NOTICE, RIGHT TO HEARING — SUSPENSION, DURATION, FACTORS, EXTENSION FOR FAILURE TO FILE PROOF OF INSURANCE, MAINTENANCE OF PROOF — EXCEPTION FOR INOPERABLE OR STORED MOTOR VEHICLES.** — 1. If the motorist insurance identification database indicates the owner of a registered motor vehicle has, regardless of the owner's operation of such motor vehicle, failed to maintain the financial responsibility required in section 303.025 for two consecutive months, the designated agent shall on behalf of the director inform the owner that the director will suspend the owner's vehicle registration if the owner does not present proof of insurance as prescribed by the director within thirty days from the date of mailing. The notice issued to the vehicle owner by the designated agent shall be sent to the last known address shown on the department's records. The notice is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right

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of the person to request a hearing, the procedure for requesting a hearing and the date by which that request for a hearing must be made. The suspension shall become effective thirty days after the subject person is deemed to have received the notice of suspension by certified mail as provided in section 303.041. If the request for a hearing is received prior to the effective date of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing; however, any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension during the period of delay.

2. Neither the fact that, subsequent to the date of verification, the owner acquired the required liability insurance policy nor the fact that the owner terminated ownership of the motor vehicle shall have any bearing upon the director's decision to suspend. The suspension shall remain in force until termination despite the renewal of registration or acquisition of a new registration for the motor vehicle. The suspension shall also apply to any motor vehicle to which the owner transfers the registration.

3. Upon receipt of notification from the designated agent, the director shall suspend the owner's vehicle registration effective immediately. The suspension period shall be as follows:

(1) If the person's record shows no prior violation, the director shall terminate the suspension upon payment of a reinstatement fee of twenty dollars and submission of proof of insurance, as prescribed by the director;

(2) If the person's record shows one prior violation for failure to maintain financial responsibility within the immediately preceding two years, the director shall terminate the suspension ninety days after its effective date upon payment of a reinstatement fee of two hundred dollars and submission of proof of insurance, as prescribed by the director;

(3) If the person's record shows two or more prior violations for failure to maintain financial responsibility, the period of suspension shall terminate one year after its effective date upon payment of a reinstatement fee of four hundred dollars and submission of proof of insurance, as prescribed by the director.

4. In the event that proof of insurance as prescribed by the director has not been filed with the department of revenue in accordance with this chapter prior to the end of the period of suspension provided in this section, such period of suspension shall be extended until such proof of insurance has been filed. In no event shall filing proof of insurance reduce any period of suspension. If proof of insurance is not maintained during the three-year period following the reinstatement or termination of the suspension, the director shall again suspend the license and motor vehicle registration until proof of insurance is filed or the three-year period has elapsed. In no event shall filing proof of insurance reduce any period of suspension.

**5. Notwithstanding the provisions of subsection 1 of this section, the director shall not suspend the registration or registrations of any owner who establishes to the satisfaction of the director that the owner's motor vehicle was inoperable or being stored and not operated on the date proof of financial responsibility is required by the director.**

**304.170. REGULATIONS AS TO WIDTH, HEIGHT AND LENGTH OF VEHICLES — EXCEPTIONS.** — 1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of ninety-six inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation; except that, vehicles having a width, including load, not in excess of one hundred two inches, exclusive of clearance lights, rearview mirrors or other accessories required by law or regulations, may be operated on the interstate highways and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Provided however, a recreational vehicle as defined in section 700.010, RSMo, may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

2. No vehicle operated upon the interstate highway system or upon any route designated by the chief engineer of the state transportation department shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.

3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.

4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more than one foot in the front and one foot in the rear. The term "safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact.

5. No combination of truck-tractor and semitrailer **or truck-tractor equipped with dromedary and semitrailer** operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor and semitrailer **or truck-tractor equipped with dromedary and semitrailer** operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer **or truck-tractor equipped with dromedary and semitrailer**, the length of [which] **such semitrailer** shall not exceed fifty-three feet.

6. In order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor, semitrailer and trailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall exceed twenty-eight feet in length, except that any

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existing semitrailer or trailer up to twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982, within a sixty-five foot overall length limit in any state, may continue to be operated upon the interstate highways of this state. On those primary highways not designated by the state highways and transportation commission as provided in subsection 10 of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the state highways and transportation commission may designate additional routes for such sixty-five foot combinations.

7. Automobile transporters, boat transporters [and], truck-trailer boat transporter combinations [having a length not in excess of sixty-five feet] and stinger-steered combination automobile transporters and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered combinations shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang.

8. Driveaway saddlemount combinations having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Saddlemount combinations must comply with the safety requirements of Section 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three saddlemounted vehicles and one fullmount.

9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the interstate and designated primary highway system of this state shall have a semitrailer length in excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and lawful operation in any state on December 1, 1982, operating in a truck-tractor semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailer of a truck-tractor semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer.

10. The highways and transportation commission is authorized to designate routes on the state highway system other than the interstate system over which those combinations of vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9 of this section may be operated. Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8 and 9 of this section may be operated at a distance not to exceed ten miles from the interstate system and such routes as designated under the provisions of this subsection.

11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section, no other combination of vehicles operated upon the primary or interstate highways of this state plus a distance of ten miles from a primary or interstate highway shall have an overall length, unladen or with load, in excess of sixty-five feet or in excess of fifty-five feet

on any other highway, except the state highways and transportation commission may designate additional routes for use by sixty-five foot combinations, seventy-five foot stinger-steered combinations or seventy-five foot saddlemount combinations. Any vehicle or combination of vehicles transporting automobiles, boats or other motor vehicles may carry a load which extends no more than three feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of vehicles.

12. (1) Except as hereinafter provided, these restrictions shall not apply to agricultural implements operating occasionally on the highways for short distances, or to self-propelled hay-hauling equipment or to implements of husbandry, or to vehicles temporarily transporting agricultural implements or implements of husbandry or roadmaking machinery, or road materials or towing for repair purposes vehicles that have become disabled upon the highways; or to implement dealers delivering or moving farm machinery for repairs on any state highway other than the interstate system.

(2) Implements of husbandry and vehicles transporting such machinery or equipment may be operated occasionally for short distances on state highways when operated between the hours of sunrise and sunset by a driver licensed as an operator or chauffeur.

13. As used in this chapter the term "implements of husbandry" means all self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application of commercial plant food materials or agricultural chemicals, and not specifically designed or intended for transportation of such chemicals and materials. No implement of husbandry may exceed a width of eleven feet, six inches.

14. The purpose of this section is to permit a single trip per day by the implement of husbandry from the source of supply to a given farm.

15. Sludge disposal units may be operated on all state highways other than the interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may be equipped with over-width tires. Such units shall observe all axle weight limits. The chief engineer of the state transportation department shall issue special permits for the movement of such disposal units and may by such permits restrict the movements to specified routes, days and hours.

**304.180. REGULATIONS AS TO WEIGHT — AXLE LOAD, TANDEM AXLE DEFINED.**

— 1. No vehicle or combination of vehicles shall be moved or operated on any primary or interstate highway in this state plus a distance not to exceed ten miles from such highways, having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020, RSMo, shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any primary or interstate highways of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches

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and not more than ninety-six inches apart and further provided, however, that when any vehicle or combination of vehicles with six axles which includes a tandem axle group as above defined and a group of three axles which are fully equalized, automatically or mechanically, and the distance between the center of the extremes of which does not exceed one hundred ten inches, the chief engineer of the Missouri state transportation department shall issue a special permit for the movement thereof, as provided in section 304.200, for twenty thousand pounds for each axle of the tandem axle group and for sixteen thousand pounds for each axle of the group of three fully equalized axles which are equalized, automatically or mechanically, when said vehicle or combination of vehicles is used to transport excavation or construction machinery or equipment, roadbuilding machinery or farm implements over routes in the primary system and other routes that are not a part of the interstate system of highways; provided, further, that the chief engineer of the Missouri state transportation department may issue permits on the interstate system.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a primary or interstate highway through any one axle or on any tandem axle, the total gross weight with load imposed upon a primary or interstate highway, plus a distance not to exceed ten miles from such highways, by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table: Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise

| Maximum load in pounds |         |         |         |         |         |
|------------------------|---------|---------|---------|---------|---------|
| feet                   | 2 axles | 3 axles | 4 axles | 5 axles | 6 axles |
| 4                      | 34,000  |         |         |         |         |
| 5                      | 34,000  |         |         |         |         |
| 6                      | 34,000  |         |         |         |         |
| 7                      | 34,000  |         |         |         |         |
| 8                      | 34,000  | 34,000  |         |         |         |
| More than 8            | 38,000  | 42,000  |         |         |         |
| 9                      | 39,000  | 42,500  |         |         |         |
| 10                     | 40,000  | 43,500  |         |         |         |
| 11                     | 40,000  | 44,000  |         |         |         |
| 12                     | 40,000  | 45,000  | 50,000  |         |         |
| 13                     | 40,000  | 45,500  | 50,500  |         |         |
| 14                     | 40,000  | 46,500  | 51,500  |         |         |
| 15                     | 40,000  | 47,000  | 52,000  |         |         |
| 16                     | 40,000  | 48,000  | 52,500  | 58,000  |         |
| 17                     | 40,000  | 48,500  | 53,500  | 58,500  |         |
| 18                     | 40,000  | 49,500  | 54,000  | 59,000  |         |
| 19                     | 40,000  | 50,000  | 54,500  | 60,000  |         |
| 20                     | 40,000  | 51,000  | 55,500  | 60,500  | 66,000  |
| 21                     | 40,000  | 51,500  | 56,000  | 61,000  | 66,500  |
| 22                     | 40,000  | 52,500  | 56,500  | 61,500  | 67,000  |

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|    |        |        |        |        |        |
|----|--------|--------|--------|--------|--------|
| 23 | 40,000 | 53,000 | 57,500 | 62,500 | 68,000 |
| 24 | 40,000 | 54,000 | 58,000 | 63,000 | 68,500 |
| 25 | 40,000 | 54,500 | 58,500 | 63,500 | 69,000 |
| 26 | 40,000 | 55,500 | 59,500 | 64,000 | 69,500 |
| 27 | 40,000 | 56,000 | 60,000 | 65,000 | 70,000 |
| 28 | 40,000 | 57,000 | 60,500 | 65,500 | 71,000 |
| 29 | 40,000 | 57,500 | 61,500 | 66,000 | 71,500 |
| 30 | 40,000 | 58,500 | 62,000 | 66,500 | 72,000 |
| 31 | 40,000 | 59,000 | 62,500 | 67,500 | 72,500 |
| 32 | 40,000 | 60,000 | 63,500 | 68,000 | 73,000 |
| 33 | 40,000 | 60,000 | 64,000 | 68,500 | 74,000 |
| 34 | 40,000 | 60,000 | 64,500 | 69,000 | 74,500 |
| 35 | 40,000 | 60,000 | 65,500 | 70,000 | 75,000 |
| 36 |        | 60,000 | 66,000 | 70,500 | 75,500 |
| 37 |        | 60,000 | 66,500 | 71,000 | 76,000 |
| 38 |        | 60,000 | 67,500 | 72,000 | 77,000 |
| 39 |        | 60,000 | 68,000 | 72,500 | 77,500 |
| 40 |        | 60,000 | 68,500 | 73,000 | 78,000 |
| 41 |        | 60,000 | 69,500 | 73,500 | 78,500 |
| 42 |        | 60,000 | 70,000 | 74,000 | 79,000 |
| 43 |        | 60,000 | 70,500 | 75,000 | 80,000 |
| 44 |        | 66,000 | 71,500 | 75,500 | 80,000 |
| 45 |        | 60,000 | 72,000 | 76,000 | 80,000 |
| 46 |        | 60,000 | 72,500 | 76,500 | 80,000 |
| 47 |        | 60,000 | 73,500 | 77,500 | 80,000 |
| 48 |        | 60,000 | 74,000 | 78,000 | 80,000 |
| 49 |        | 60,000 | 74,500 | 78,500 | 80,000 |
| 50 |        | 60,000 | 75,500 | 79,000 | 80,000 |
| 51 |        | 60,000 | 76,000 | 80,000 | 80,000 |
| 52 |        | 60,000 | 76,500 | 80,000 | 80,000 |
| 53 |        | 60,000 | 77,500 | 80,000 | 80,000 |
| 54 |        | 60,000 | 78,000 | 80,000 | 80,000 |
| 55 |        | 60,000 | 78,500 | 80,000 | 80,000 |
| 56 |        | 60,000 | 79,500 | 80,000 | 80,000 |
| 57 |        | 60,000 | 80,000 | 80,000 | 80,000 |

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Subject to the limit upon the weight imposed upon a supplementary highway through any one axle which shall not have a weight greater than eighteen thousand pounds or on any tandem axle which shall not have a weight greater than thirty-two thousand pounds, the total gross weight with load imposed upon the supplementary highway by any vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of a single motor vehicle or by the first axle of a motor vehicle and the last axle of the last vehicle in any

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combination of vehicles measured longitudinally to the nearest foot as set forth in the following table:

| Distance in feet<br>between the<br>extreme axles | Maximum load in<br>pounds |
|--|---------------------------|
| 4  | 32,000                    |
| 5  | 32,000                    |
| 6  | 32,000                    |
| 7  | 32,000                    |
| 8  | 33,200                    |
| 9  | 34,400                    |
| 10   | 35,600                    |
| 11   | 36,800                    |
| 12   | 38,000                    |
| 13   | 39,200                    |
| 14   | 40,400                    |
| 15   | 41,600                    |
| 16   | 42,800                    |
| 17   | 44,000                    |
| 18   | 45,200                    |
| 19   | 46,400                    |
| 20   | 47,600                    |
| 21   | 48,800                    |
| 22   | 50,000                    |
| 23   | 51,000                    |
| 24   | 52,000                    |
| 25   | 53,000                    |
| 26   | 54,000                    |
| 27   | 55,000                    |
| 28   | 56,000                    |
| 29   | 57,000                    |
| 30   | 58,000                    |
| 31   | 59,000                    |
| 32   | 60,000                    |
| 33   | 61,100                    |
| 34   | 62,200                    |
| 35   | 63,500                    |
| 36   | 64,600                    |
| 37   | 65,900                    |
| 38   | 67,100                    |
| 39   | 68,300                    |
| 40   | 69,700                    |
| 41   | 70,800                    |
| 42   | 72,000                    |
| 43 or over                                       | 73,280                    |

5. Provided, however, subject to the limit upon the weight imposed through any one axle, through any tandem axle, as provided in subsection 4 of this section, the total gross weight with load imposed upon any bridges generally considered by the state highways and transportation commission to be on the supplementary system or upon any bridges which are under the jurisdiction of and maintained by counties, townships or cities shall not exceed the gross weight given for the respective distance between the first and last axle of the total group of axles measured longitudinally to the nearest foot as set forth in the following table:

| Distance in feet<br>between the<br>extreme axles | Maximum load in<br>pounds |
|--|---------------------------|
| 4  | 32,000                    |
| 5  | 32,000                    |
| 6  | 32,000                    |
| 7  | 32,000                    |
| 8  | 32,610                    |
| 9  | 33,580                    |
| 10   | 34,550                    |
| 11   | 35,510                    |
| 12   | 36,470                    |
| 13   | 37,420                    |
| 14   | 38,360                    |
| 15   | 39,300                    |
| 16   | 40,230                    |
| 17   | 41,160                    |
| 18   | 42,080                    |
| 19   | 42,990                    |
| 20   | 43,900                    |
| 21   | 44,800                    |
| 22   | 45,700                    |
| 23   | 46,590                    |
| 24   | 47,470                    |
| 25   | 48,350                    |
| 26   | 49,220                    |
| 27   | 50,090                    |
| 28   | 50,950                    |
| 29   | 51,800                    |
| 30   | 52,650                    |
| 31   | 53,490                    |
| 32   | 54,330                    |
| 33   | 55,160                    |
| 34   | 55,980                    |
| 35   | 56,800                    |
| 36   | 57,610                    |
| 37   | 58,420                    |
| 38   | 59,220                    |

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|            |        |
|------------|--------|
| 39         | 60,010 |
| 40         | 60,800 |
| 41         | 61,580 |
| 42         | 62,360 |
| 43         | 63,130 |
| 44         | 63,890 |
| 45 or over | 64,650 |

The state highways and transportation commission, with respect to bridges on the supplementary system, or the person in charge of supervision or maintenance of the bridges on the county, township or city roads and streets may determine and by official order declare that certain designated bridges do not appear susceptible to unreasonable and unusual damage by reason of such higher weight limits and may legally be subjected to the higher limits in this section.

6. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

7. Additional routes may be designated by the state highways and transportation commission for movement or operation by vehicles or combinations of vehicles having the weights described in subsections 1 and 3 of this section.

8. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds.

9. **Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, RSMo, concrete pump trucks or well-drillers equipment may be operated on state maintained roads and highways at any time on any day.**

**304.200. SPECIAL PERMITS FOR OVERSIZE OR OVERWEIGHT LOADS — RULES FOR ISSUING — WHEN VALID. —** 1. The chief engineer of the state department of transportation, for good cause shown and when the public safety or public interest so justifies, shall issue special permits for vehicles or equipment exceeding the limitations on width, length, height and weight herein specified, or which are unable to maintain minimum speed limits. Such permits shall be issued only for a single trip or for a definite period, not beyond the date of expiration of the vehicle registration, and shall designate the highways and bridges which may be used [under] **pursuant to** the authority of such permit.

2. The chief engineer of the state department of transportation shall upon proper application issue a special permit to any person allowing the movement on state and federal highways of farm products not in excess of fourteen feet in width. Special permits allowing movement of oversize loads of farm products shall allow for

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movement between sunset and sunrise, subject to appropriate requirements for safety lighting on the load, appropriate limits on load dimensions and appropriate consideration of high traffic density between sunset and sunrise on the route to be traveled. The chief engineer may also issue upon proper application a special permit to any person allowing the movement on the state and federal highways of vehicles hauling lumber products and earth moving equipment not in excess of fourteen feet in width. **The chief engineer may also issue upon proper application a special permit to any person allowing the movement on the state and federal highways of concrete pump trucks or well-drillers equipment.**

3. Rules and regulations for the issuance of special permits shall be prescribed by the state highways and transportation commission and filed with the secretary of state. No rule or portion of a rule promulgated [under] **pursuant to** the authority of section 304.010 and this section shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] **chapter 536**, RSMo.

4. The officer in charge of the maintenance of the streets of any municipality may issue such permits for the use of the streets by such vehicles within the limits of such municipalities.

5. In order to transport manufactured homes, as defined in section 700.010, RSMo, on the roads, highways, bridges and other thoroughfares within this state, only the applicable permits required by this section shall be obtained.

Approved June 27, 2000

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## HB 1967 [HCS HB 1967]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Corrects boundary commission law.**

AN ACT to repeal sections 72.409 and 72.416, RSMo 1994, sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.410, 72.412, 72.418 and 72.422, RSMo Supp. 1998, and sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.409, 72.412, 72.416, 72.418, 72.422 and 72.423, RSMo Supp. 1999, relating to boundary commissions in certain counties, and to enact in lieu thereof fourteen new sections relating to the same subject, with an emergency clause.

#### SECTION

A. Enacting clause.

72.400. Definitions.

72.401. Law to be exclusive for boundary changes if commission established (St. Louis County) — procedure for boundary change — prior commission abolished — commission members, qualifications, appointment, vacancies — notice of ordinance establishing commission — list of appointees — terms — succession — conflict of interest — boundary adjustment not

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- subject to commission review and not prohibited by existence of established unincorporated area, when.
- 72.402. Rules and regulations, commission shall promulgate — procedure.
- 72.403. Powers and duties of commission to review all boundary changes — no changes submitted to commission until April 15, 2001, exceptions, procedures — plan of intent — notice, publication of — approval of change, factors to be considered — commission may provide advice to proposing agents.
- 72.405. Boundary changes, approval or disapproval — commission may modify proposal — minor corrections allowed, when — simplified boundary change, procedure — noncontiguous boundary changes, required proposals — prohibited boundary changes, exception — proposing agent may modify proposal — commission may defer final action until after election, when.
- 72.407. Adoption of boundary change by voters, procedure — unincorporated pocket defined — cost of election, how paid — proposal concerning annexation and incorporation not to be submitted at same election, election void, when.
- 72.408. Limitation on resubmission — void petition, when.
- 72.409. Boundary change, effective when — transition committee established, members, how selected — to disband when delay in declaring new incorporated municipality, when — conflict of laws, this section to prevail.
- 72.412. Commission independent of county — budget request, appropriation level — application fee for annexation, use.
- 72.416. Civil actions against commission, who may bring, cost and attorneys fees paid to commission, when.
- 72.418. New city not to provide fire services, when — annexation, continuation of services — city to pay fire protection district, amount — voting provisions.
- 72.422. Petition to remain unincorporated — unincorporated area proposal, procedure for creating established unincorporated areas — no boundary change to affect established unincorporated area prior to expiration.
- 72.423. Five-year planning cycle, procedures, map plans, review.
- 321.223. Fire protection districts may contract to provide fire protection to municipalities not in the district, certain counties (including St. Louis County) — may also provide ambulance service, when.
- 72.400. Definitions.
- 72.401. Law to be exclusive for boundary changes — certain counties, procedure for incorporation, annexation or consolidation — prior changes effective — petition not subject to commission approval — commission, members, qualifications, appointment, vacancies — notice of ordinance establishing commission — list of appointees — terms — succession — conflict of interest — contingent expiration date — boundary adjustment not subject to commission review, when.
- 72.402. Rules and regulations, commission shall promulgate — procedure.
- 72.403. Powers and duties of commission to review all boundary changes — plan of intent — notice, publication of — approval of change, factors to be considered — commission may provide advice to proposing agents.
- 72.405. Boundary changes, approval or disapproval — commission may modify proposal — minor corrections allowed, when — simplified boundary change, procedure — noncontiguous boundary changes, required proposals — prohibited boundary changes, exception — proposing agent may modify proposal.
- 72.407. Adoption of boundary change by voters, procedure — unincorporated pocket defined — cost of election, how paid — proposal concerning annexation and incorporation not to be submitted at same election, election void, when.
- 72.408. Limitation on resubmission — void petition, when.
- 72.409. Boundary change, effective when — transition committee established, members, how selected — to disband when delay in declaring new incorporated municipality, when — conflict of laws, this section to prevail.
- 72.410. Election, where held.
- 72.412. Commission independent of county — budget request, appropriation level — annual report by commission, content.
- 72.416. Civil actions against commission, cost and attorneys fees paid to commission, when.

- 72.418. New city not to provide fire services, when — annexation, continuation of services — city to pay fire protection district, amount — voting provisions.
- 72.422. Petition to remain unincorporated.
- B. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 72.409 and 72.416, RSMo 1994, sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.410, 72.412, 72.418 and 72.422, RSMo Supp. 1998, and sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.409, 72.412, 72.416, 72.418, 72.422 and 72.423, RSMo Supp. 1999, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.409, 72.412, 72.416, 72.418, 72.422, 72.423 and 321.223 to read as follows:

**72.400. DEFINITIONS.** — As used in sections 72.400 to [72.422 and section] 72.423, the following terms mean:

(1) "Boundary adjustment", an adjustment of a boundary between two municipalities or a municipality and the unincorporated area of the county involving all or part of one or more residential parcels in common ownership or an adjustment between two municipalities or a municipality and the unincorporated area of the county involving only public property or public rights-of-way;

(2) "Boundary change", any annexation, consolidation, incorporation, transfer of jurisdiction between municipalities or between a municipality and the county, or combination thereof, which, if approved, would result in a municipality composed of contiguous territory;

(3) "Commission", a boundary commission established pursuant to this section;

(4) "Contiguousness", territory proposed for annexation in which at least fifteen percent of its boundary is adjacent to the municipality which is proposing the annexation or territory proposed for addition to an established unincorporated area in which at least fifteen percent of its boundary is adjacent to the established unincorporated area;

(5) "Established unincorporated area", an area in the unincorporated area of the county which has been approved by the voters pursuant to section 72.422 to remain unincorporated and not subject to any boundary change except as otherwise provided;

(6) "Proposing agent", the governing body of any municipality which by ordinance has adopted a boundary change proposal or the governing body of the county which by ordinance has adopted a boundary change proposal, or the chief elected official of the county who has authorized the filing of an unincorporated area proposal, or a person presenting petitions for incorporation signed by a number of registered voters equal to not less than fifteen percent of the number of votes cast for governor in the last gubernatorial election in the total combined area affected by the boundary change proposal. Petitions submitted by proposing agents may be submitted with exclusions for the signatures collected in areas originally included in the proposal but subsequently annexed or incorporated separately as a municipality, although the commission shall be satisfied as to the sufficiency of the signatures for the final proposed area;

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(7) "Voting jurisdiction", a city, town or village, or areas of unincorporated territory with boundaries established by the commission for purposes of holding a boundary change election.

**72.401. LAW TO BE EXCLUSIVE FOR BOUNDARY CHANGES IF COMMISSION ESTABLISHED (ST. LOUIS COUNTY) — PROCEDURE FOR BOUNDARY CHANGE — PRIOR COMMISSION ABOLISHED — COMMISSION MEMBERS, QUALIFICATIONS, APPOINTMENT, VACANCIES — NOTICE OF ORDINANCE ESTABLISHING COMMISSION — LIST OF APPOINTEES — TERMS — SUCCESSION — CONFLICT OF INTEREST — BOUNDARY ADJUSTMENT NOT SUBJECT TO COMMISSION REVIEW AND NOT PROHIBITED BY EXISTENCE OF ESTABLISHED UNINCORPORATED AREA, WHEN. — 1.**

If a commission has been established pursuant to section 72.400 in any county with a charter form of government where fifty or more cities, towns and villages have been established, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to [72.422 and section] 72.423, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, [there shall be no incorporation of any new city, town, or village wholly or partially in such county, nor any annexation or consolidation of any area wholly or partially in such county for one hundred twenty days after June 14, 1999, except where the governing body of the county specifically adopts an ordinance stating that a boundary commission shall not be established in the county, such incorporation, annexation or consolidation may resume after the effective date of the ordinance. Immediately after the expiration of such moratorium,] if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to [72.422 and section] 72.423, then boundary changes in such county shall proceed only as provided in sections 72.400 to [72.422 and section] 72.423.

3. [The commission, if any, which exists on June 14, 1999, is abolished.] The commission shall be composed of eleven members as provided in this subsection. No member, employee or contractor of the commission shall be an elective official, employee or contractor of the county or of any political subdivision within the county or of any organization representing political subdivisions or officers or employees of political subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this subsection shall appoint persons who shall be residents of their respective locality so described. The appointing authority making the appointments shall be:

(1) The chief elected officials of all municipalities wholly within the county which have a population of more than twenty thousand persons, who shall name two members to the commission as prescribed in this subsection each of whom is a resident of a municipality within the county of more than twenty thousand persons;

(2) The chief elected officials of all municipalities wholly within the county which have a population of twenty thousand or less but more than ten thousand persons, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of twenty thousand or less but more than ten thousand persons;

(3) The chief elected officials of all municipalities wholly within the county which have a population of ten thousand persons or less, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of ten thousand persons or less;

(4) An appointive body consisting of the director of the county department of planning, the president of the municipal league of the county, one additional person designated by the county executive, and one additional person named by the board of the municipal league of the county, which appointive body, acting by a majority of all of its members, shall name three members of the commission who are residents of the county; and

(5) The county executive of the county, who shall name four members of the commission, three of whom shall be from the unincorporated area of the county and one of whom shall be from the incorporated area of the county. The seat of a commissioner shall be automatically vacated when the commissioner changes his or her residence so as to no longer conform to the terms of the requirements of the commissioner's appointment. The commission shall promptly notify the appointing authority of such change of residence.

4. Upon the passage of an ordinance by the governing body of the county establishing a boundary commission, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected official of each municipality wholly or partly in the county.

5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection 3 of this section shall meet within thirty days of the passage of the ordinance establishing the commission to compile its list of appointees. Each list shall be delivered to the county executive within forty-one days of the passage of such ordinance. The county executive shall appoint members within forty-five days of the passage of the ordinance. If a list is not submitted by the time specified, the county executive shall appoint the members using the criteria of subsection 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting of the commission appointed after the effective date of the ordinance, the commissioners shall choose by lot the length of their terms. Three shall serve for one year, two for two years, two for three years, two for four years, and two for five years. All succeeding commissioners shall serve for five years. Terms shall end on December thirty-first of the respective year. No commissioner shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

6. When a member's term expires, or if a member is for any reason unable to complete his term, the respective appointing authority shall appoint such member's successor. Each appointing authority shall act to ensure that each appointee is secured accurately and in a timely manner, when a member's term expires or as soon as possible when a member is unable to complete his term. A member whose term has expired shall continue to serve until his successor is appointed and qualified.

7. The commission, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records under chapter 610, RSMo.

8. Notwithstanding any provisions of law to the contrary, any boundary adjustment approved by the residential property owners and the governing bodies of

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the affected municipalities or the county, if involved, shall not be subject to commission review. Such a boundary adjustment is not prohibited by the existence of an established unincorporated area.

**72.402. RULES AND REGULATIONS, COMMISSION SHALL PROMULGATE — PROCEDURE.** — The commission shall enact and adopt all rules, regulations and procedures that are reasonably necessary to achieve the objectives of sections 72.400 to [72.422 and section] 72.423 no sooner than twenty-seven calendar days after notifying all municipalities and the county of the proposed rule, regulation or procedure enactment or change. Notice may be given by ordinary mail or by publishing in at least one newspaper of general circulation qualified to publish legal notices. No new or amended rule, regulation or procedure shall apply retroactively to any boundary change or unincorporated area proposal pending before the commission.

**72.403. POWERS AND DUTIES OF COMMISSION TO REVIEW ALL BOUNDARY CHANGES — NO CHANGES SUBMITTED TO COMMISSION UNTIL APRIL 15, 2001, EXCEPTIONS, PROCEDURES — PLAN OF INTENT — NOTICE, PUBLICATION OF — APPROVAL OF CHANGE, FACTORS TO BE CONSIDERED — COMMISSION MAY PROVIDE ADVICE TO PROPOSING AGENTS.** — 1. The commission shall review all proposed boundary changes of any area wholly or partially within the county. After [June 14, 1999,] **the effective date of this section**, no boundary change or unincorporated area proposal shall be submitted to or considered by the commission until April 15, 2001, except for consolidations. Any boundary change or unincorporated area proposal pending before the commission on [June 14, 1999,] **the effective date of this section** shall be suspended on [June 14, 1999,] **the effective date of this section** and shall be further considered after April 15, 2001, only if such proposal is reflected in a map plan submitted to the commission pursuant to section 72.423, except an annexation proposal by a village with a population under three thousand five hundred where the initial public hearing will occur prior to July 1, 1999, such proposal shall continue notwithstanding other provisions of law to the contrary. Review shall begin no later than thirty days after the plan of intent for the boundary change has been submitted to the commission by the proposing agent or thirty days after April 15, 2001, for boundary changes or unincorporated area proposals which are pending on [June 14, 1999] **the effective date of this section**. The plan of intent shall address the criteria set forth in subsection 3 of this section. For the purposes of this subsection, the term "pending" means any proposal submitted to the commission which has not yet been approved by the commission as a simplified annexation or approved for submission to the qualified voters of the voting jurisdictions. No simplified boundary change involving territory already described in an annexation resolution or incorporation petition filed with the commission shall occur unless the annexation or incorporation proposal has been disapproved by the commission or defeated by voters. If more than one proposed change is received from the same proposing agency, the review of each additional proposed change shall begin not later than thirty days after the date that review was commenced for the next preceding proposed change or thirty days after receipt of the proposed changes were received by the commission; except that, if more

than one proposed change is received by the commission from the same proposing agency on the same date, the commission may establish the order of review.

2. When a boundary change proposal has been submitted to the commission, the commission shall, within twenty-one days of receipt of such proposal, publish notice of such proposal and the date of the public hearing thereon in at least one newspaper of general circulation qualified to publish legal notices. Within twenty-one days of receipt of such proposal, the commission shall also mail written notification of such proposal and public hearing date to the county clerk, and to the city or village clerk of each municipality or village, and to any other political subdivision which, in the opinion of the commission, is materially affected by the proposal. The costs of publication and notification shall be borne by the proposing agent. The commission shall hold such public hearing concerning the proposal not less than fourteen nor more than sixty days after such publication and notification are complete. At such public hearing, the county, the proposing agent and affected municipalities shall be parties, and any other interested person, corporation, or political subdivision may also present evidence regarding the proposed boundary change. A boundary change proposal which has been disapproved by the commission and which is resubmitted with changes to the commission shall be subject to the public hearing requirement of this section, unless the commission determines that a public hearing on the resubmitted proposal is not necessary to achieve the objectives of sections 72.400 to [72.422 and section] 72.423.

3. In reviewing any proposed boundary change, the commission shall approve such proposal if it finds that the boundary change will be in the best interest of the municipality or municipalities and unincorporated territories affected by the proposal and the areas of the county next to such proposed boundary. In making its determination, the commission shall consider the following factors:

(1) The impact, including but not limited to the impact on the tax base or on the ability to raise revenue, of such proposal on:

- (a) The area subject to the proposed boundary change and its residents;
- (b) The existing municipality or municipalities, if any, proposing the boundary change and the residents thereof;
- (c) Adjoining areas not involved in the boundary change and the residents thereof; and

(d) The entire geographic area of the county and its residents;

(2) A legal description of the area to be annexed, incorporated, consolidated, or subject to the transfer of jurisdiction;

(3) The creation of logical and reasonable municipal boundaries in the county, and for such purpose the commission shall have the ability to make additions, deletions and modifications which address legal boundaries, technical or service delivery problems or boundaries which overlap those of other proposals; however, such additions, deletions and modifications shall not make substantial changes to any proposed boundary petition;

(4) The present level of major services provided by the municipality or other provider, provided to the unincorporated area by the county, and proposed to be provided by the annexing municipality or municipality to be incorporated or consolidated, including, but not limited to, police protection, fire protection, water and

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sewer systems, street maintenance, utility agreements, parks, recreation, and refuse collections;

(5) A proposed time schedule whereby the municipality or proposed municipality plans to provide such services to the residents of the area to be annexed, incorporated or consolidated within three years from the date the municipal boundary change is to become effective;

(6) The current tax rates of the areas subject to the proposal;

(7) What sources of revenue other than property tax are collected or are proposed to be collected by the municipality or proposed municipality;

(8) The extraordinary effect the boundary change will have on the distribution of tax resources in the county;

(9) How the municipality or proposed municipality proposes to zone any area not presently incorporated;

(10) The compactness of the area subject to such proposal;

(11) When the proposed boundary change shall become effective.

4. The provisions of section 71.910, RSMo, shall not apply to a proposing agent proceeding before the commission.

5. Nothing in sections 72.400 to [72.422 and section] 72.423 shall be construed to prevent the boundary commission or its staff from advising proposing agents on issues related to proposals. The commission may meet informally, subject to the requirements of chapter 610, RSMo, with the representatives of municipalities, other government entities or county residents with regard to future boundary changes.

**72.405. BOUNDARY CHANGES, APPROVAL OR DISAPPROVAL — COMMISSION MAY MODIFY PROPOSAL — MINOR CORRECTIONS ALLOWED, WHEN — SIMPLIFIED BOUNDARY CHANGE, PROCEDURE — NONCONTIGUOUS BOUNDARY CHANGES, REQUIRED PROPOSALS — PROHIBITED BOUNDARY CHANGES, EXCEPTION — PROPOSING AGENT MAY MODIFY PROPOSAL — COMMISSION MAY DEFER FINAL ACTION UNTIL AFTER ELECTION, WHEN. —** 1. For any proposed boundary change submitted after August 28, 1995, the commission shall issue a finding approving or disapproving such proposals within nine months after such submittal, except that final action may be deferred on part or all of a boundary change proposal when necessary to accommodate an overlapping boundary change or unincorporated area proposal as more particularly provided in subsection 10 of this section. If the commission finds in favor of a proposed boundary change, it shall submit the question to the voters residing within the areas subject to the proposed boundary change, except as provided in subsection 6 of this section.

2. If a boundary change is proposed by a municipality or the county and if the commission finds against the proposed boundary change submitted by a municipality or the county, it shall disapprove the boundary change proposal. In disapproving any boundary change proposal, the commission shall issue a document indicating the reasons such proposal was disapproved. No election shall be held on any such proposal not approved by the commission.

3. If the boundary change is an incorporation proposed pursuant to a petition, the commission may make such changes in the proposal as it finds would result in an acceptable proposal, such changes to include but not be limited to additions, deletions

or the modification of a proposal which contains boundaries which overlap those boundaries contained in any other proposal. After submittal, the commission may allow the proposing agent to make minor additions, deletions or modifications which do not substantially alter the proposal. When reviewing more than one boundary change proposal made by petition, the commission may consolidate two or more unincorporated areas into one proposed boundary change. Any changes made by the commission shall meet the criteria established [in] **pursuant to** section 72.403.

4. Where a proposal submitted by a municipality, the county or by a petition, contains more than two voting jurisdictions, the commission may provide for approval of a boundary change comprising only those municipalities and unincorporated area where a majority of voters approve the boundary change if the resulting municipality would meet the criteria established [in] **pursuant to** section 72.403.

5. If a boundary change is proposed by a municipality or the county and the commission determines that there is a minor error or discrepancy in the legal descriptions of the areas subject to the proposal as submitted by the municipality or county, then the commission with the concurrence of the proposing agent may make such changes to the proposal as are necessary to rectify the error in the legal description.

6. A simplified boundary change may be proposed by:

(1) A verified petition signed by seventy-five percent of the registered voters within the area proposed to be annexed which is predominately residential in character and has an average residential density of not less than one dwelling per three acres which is filed by the annexing municipality; or

(2) Two municipalities for a transfer of jurisdiction between them or a municipality and the county for a transfer of jurisdiction between a municipality and the county. Within twenty-one days of receipt of a proposal [under] **pursuant to** this subsection, the commission shall publish notice of such proposal and the date of the public hearing thereon in at least one newspaper of general circulation qualified to publish legal notices. The commission shall, within twenty-one days of receipt of such proposal, mail written notification of such proposal and the date of the public hearing thereon to the county clerk, and to the city or village clerk of each municipality or village, and to any other political subdivision which, in the opinion of the commission, is materially affected by such proposal. The commission shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after such publication and notification is complete. At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed boundary change. Within four months of receipt of the proposal, the commission shall determine whether to disapprove the proposal, or to approve the proposal and allow it to proceed as an approved boundary change to be adopted or rejected by the voters pursuant to section 72.407, or to approve the proposal as a simplified boundary change, for which no vote shall be required, except that final action may be deferred on part or all of a simplified boundary change proposal when necessary to accommodate an overlapping boundary change or unincorporated area proposal as more particularly provided in subsection 10 of this section. In making its determination, the commission shall consider the factors set forth in subsection 3 of section 72.403. If the commission determines that the proposal should be approved

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as a simplified boundary change, such proposal shall become effective upon the date set forth in the commission's written report of approval.

7. A municipality which wishes to propose a boundary change containing two or more unincorporated areas that are noncontiguous to each other shall submit separate proposals for the unincorporated areas that are noncontiguous to each other, in which case there shall be a separate vote for each proposal approved by the commission. The municipality may:

- (1) Adopt and submit separate ordinances for each such separate proposal; or
- (2) Adopt and submit one ordinance containing said separate proposals, which ordinance shall clearly state that the municipality is making multiple, separate proposals, and is desirous of separate votes for each separate proposal. The ordinance shall also clearly identify each separate proposal that the municipality is making.

8. The commission shall not approve any boundary change proposal in which more than fifty percent of the combined land subject to the proposal is unincorporated territory or territories unless the area subject to the proposal has a population of more than ten thousand persons.

9. A proposing agent may modify its proposal and submit additional information during the review period.

10. The commission may defer final action on part or all of a boundary change proposal or proposal for an established unincorporated area beyond the periods provided for their consideration in order to allow an election with respect to an overlapping boundary change or unincorporated area proposal in order to maximize the ability of voters to determine their own status. Such deferral may be ordered only when the proposal granted such priority is filed with the commission no later than sixty days after the proposal on which action will be deferred and only when the commission determines that the population of the overlapping area is a greater proportion of the proposal given priority than of the proposal on which action is deferred. The commission shall take final action on the deferred proposal within forty-five days of the election at which the proposal granted priority is decided. The proposing agent may modify the proposal in accordance with the results of the election.

**72.407. ADOPTION OF BOUNDARY CHANGE BY VOTERS, PROCEDURE — UNINCORPORATED POCKET DEFINED — COST OF ELECTION, HOW PAID — PROPOSAL CONCERNING ANNEXATION AND INCORPORATION NOT TO BE SUBMITTED AT SAME ELECTION, ELECTION VOID, WHEN. —** 1. Boundary changes may be adopted by the voters in the following manner:

- (1) If the commission approves a proposed boundary change containing more than one municipality and no unincorporated areas, such proposal shall be adopted if a separate majority of the votes cast on the question in each municipality are in favor of the boundary change, except as provided in subsection 4 of section 72.405;
- (2) If the commission approves a proposed boundary change containing one or more municipalities and at least one unincorporated area, such proposal shall be adopted if a separate majority of the votes cast on the question in each municipality and a separate majority of votes cast in each voting jurisdiction comprising unincorporated areas of the county are in favor of the boundary change, except as

provided in subsection 4 of section 72.405. If a voting jurisdiction comprising unincorporated areas of the county has no residents or if no votes are cast for or against the boundary change, such boundary change shall become effective if a majority of the votes cast in all other voting jurisdictions and municipalities are in favor of the boundary change. If the commission approves a proposed boundary change containing one or more municipalities and at least one unincorporated area which is classified as an unincorporated pocket, such proposal shall be adopted if a separate majority of the votes cast on the question in each municipality and a majority of votes cast in the whole municipality which would result from the boundary change are in favor of the boundary change, except as provided in subsection 4 of section 72.405. As used in this subdivision, the term "unincorporated pocket" means an unincorporated territory with an average residential density in excess of one dwelling per three acres, which has a population of no more than five hundred, which is accessible by public or private roadway only from incorporated jurisdictions and/or another county, and which the commission has determined presents practical difficulties for service by the county by reason of its isolation.

2. Any election held pursuant to sections 72.400 to [72.422 and section] 72.423 shall be held on a date established by the commission in accordance with the provisions of chapter 115, RSMo. If the proposing agent is a petitioner or the governing body of the county, all costs of the election shall be paid by the county. If the proposing agent is the governing body of any municipality, the cost of such election in each municipality shall be paid by each municipality and if the proposal contains any unincorporated territory the cost of the election in the unincorporated territory shall be paid by the county.

3. Questions concerning the annexation of an area covered by sections 72.400 to [72.422 and section] 72.423 and the incorporation of the same area shall not be put to the voters at the same election. Any such election where the questions of annexation and incorporation have been put to the voters shall be void in the area covered by both propositions. This subsection shall not affect the results of that election in areas where both questions were not put to the voters at the same time. When boundary change proposals for annexation and for incorporation cover the same area, the proposal for annexation shall be put to the voters first.

**72.408. LIMITATION ON RESUBMISSION — VOID PETITION, WHEN. —** 1. If a boundary change is disapproved by the voters, no boundary change which contains more than sixty percent of the area of the disapproved boundary change shall be submitted to or processed by the commission any sooner than two years after the date of the disapproved boundary change.

2. Every petition shall be presented to the commission within two hundred eighty days following the date on which the first signature was affixed to the petition, or any part thereof, except that the period of time from June 14, 1999, to April 15, 2001, shall be excluded. Failure to present a petition within the foregoing time period shall render the petition absolutely void.

**72.409. BOUNDARY CHANGE, EFFECTIVE WHEN — TRANSITION COMMITTEE ESTABLISHED, MEMBERS, HOW SELECTED — TO DISBAND WHEN DELAY IN**

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**DECLARING NEW INCORPORATED MUNICIPALITY, WHEN — CONFLICT OF LAWS, THIS SECTION TO PREVAIL. —**

1. If a proposed boundary change is approved by the voters, such proposal shall be effective six months following the date of the election or the date specified in such proposal, whichever date is later. Immediately following the certification of the election, the commission shall establish a committee to determine the details of the transition. The governing body of each affected municipality shall select two members and the governing body of the county in which each unincorporated territory is situated shall select two members from the affected unincorporated territory to meet with similar members appointed from other affected municipalities and the unincorporated territory. The committee shall disband no later than the date the boundary change becomes effective. The governing body of the county may delay declaring a newly incorporated municipality for a period not to exceed six months at the request of the boundary commission to provide for an orderly transition from unincorporated to incorporated status.

2. If a conflict shall exist between the provisions of sections 72.400 to [72.422 and section] 72.423 and the orders, ordinances or charters of any statutory or charter cities affected by sections 72.400 to [72.422 and section] 72.423, the provisions of sections 72.400 to [72.422] **72.423** shall prevail.

3. If a boundary change involves an annexation, failure of the proposing agent to provide services to the area being annexed or to zone in compliance with the plan of intent required of the proposing agent within three years of the boundary change becoming effective, unless compliance is made unreasonable, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident who was residing in the area at the time the boundary change became effective.

**72.412. COMMISSION INDEPENDENT OF COUNTY — BUDGET REQUEST, APPROPRIATION LEVEL — APPLICATION FEE FOR ANNEXATION, USE. —** 1. The commission, once established, shall not be a county commission but shall act as an independent commission. The commission may hire such staff and acquire such facilities as it finds necessary to carry out its duties.

2. The commission shall submit a budget requesting the funds necessary to carry out its duties pursuant to sections 72.400 to [72.422 and section] 72.423. The county shall appropriate and provide a reasonable and necessary level of funding for the commission to carry out its statutory duties. In addition, the county shall upon request provide petitioners with such available information as may be necessary to develop a plan of intent. Funding must provide for at least one professional staff person, one attorney or the equivalent funds for legal services, and clerical support for the professional staff and attorney. All salary levels shall be based upon the personnel system in use for county employees.

3. The commission shall provide by rule for an application fee for municipal annexations in the amount of one dollar per resident of the proposed annexation area to defray the commission's cost of processing and reviewing proposals.

**72.416. CIVIL ACTIONS AGAINST COMMISSION, WHO MAY BRING, COST AND ATTORNEYS FEES PAID TO COMMISSION, WHEN. —** The county, an interested municipality, or any other interested party may bring an appropriate civil action against

the commission regarding a proposed boundary change, unincorporated area proposal, or other commission action or failure to act. In any civil action brought against the commission regarding a proposed boundary change, if the commission prevails in the action, the court may require the party who initiated the action to pay to the commission the reasonable costs incurred by the commission in opposing [such] **the** action, including attorney's fees.

**72.418. NEW CITY NOT TO PROVIDE FIRE SERVICES, WHEN — ANNEXATION, CONTINUATION OF SERVICES — CITY TO PAY FIRE PROTECTION DISTRICT, AMOUNT — VOTING PROVISIONS.** — 1. Notwithstanding any other provision of law to the contrary, no new city created pursuant to sections 72.400 to [72.418] **72.423** shall establish a municipal fire department to provide fire protection services, including emergency medical services, if such city formerly consisted of unincorporated areas in the county or municipalities in the county, or both, which are provided fire protection services and emergency medical services by one or more fire protection districts. Such fire protection districts shall continue to provide services to the area comprising the new city and may levy and collect taxes the same as such districts had prior to the creation of such new city.

2. Fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, shall continue to provide fire protection services, including emergency medical services to such area. The annexing city shall pay annually to the fire protection district an amount equal to that which the fire protection district would have levied on all taxable property within the annexed area. Such annexed area shall not be subject to taxation for any purpose thereafter by the fire protection district except for bonded indebtedness by the fire protection district which existed prior to the annexation. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be a sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. Notwithstanding any other provision of law to the contrary, the residents of an area annexed on or after May 26, 1994, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.

3. The fire protection district may approve or reject any proposal for the provision of fire protection and emergency medical services by a city.

**72.422. PETITION TO REMAIN UNINCORPORATED — UNINCORPORATED AREA PROPOSAL, PROCEDURE FOR CREATING ESTABLISHED UNINCORPORATED AREAS — NO BOUNDARY CHANGE TO AFFECT ESTABLISHED UNINCORPORATED AREA PRIOR TO EXPIRATION.** — 1. Notwithstanding any other provision of sections 72.400 to 72.420 **to the contrary**, residents of an unincorporated area of a county may remain unincorporated and not subject to any boundary change [as provided by] **pursuant to** sections 72.400 to 72.420 if the following are satisfied:

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- (1) The county petitions the boundary commission;
- (2) A legal description of the unincorporated area accompanies the petition. If there is a minor error or discrepancy in the legal description of the unincorporated area, the commission, with the concurrence of the county, may make such changes to the proposal as are necessary to rectify the error in the legal description;
- (3) The unincorporated area either contains a population of not less than two thousand five hundred or is contiguous with an existing established unincorporated area;
- (4) A plan of intent accompanies the petition addressing the issues to be considered by the commission.

2. When an unincorporated area proposal has been submitted to the commission, the commission shall, within twenty-one days of receipt of such proposal, publish notice of such proposal and the date of the public hearing thereon in at least one newspaper of general circulation qualified to publish legal notices. Within twenty-one days of receipt of such proposal, the commission shall also mail written notification of such proposal and public hearing date to the county clerk, and to the city or village clerk of each neighboring municipality or village, and to any other political subdivision which, in the opinion of the commission, is materially affected by the proposal. The costs of publication and notification shall be borne by the county. The commission shall hold such public hearing concerning the proposal not less than fourteen nor more than sixty days after such publication and notification are complete. At such public hearing, the county and any municipality with an overlapping map plan shall be parties, and any other interested person, corporation, or political subdivision may also present evidence regarding the unincorporated area proposal. An unincorporated area proposal which has been disapproved by the commission and which is resubmitted with changes to the commission shall be subject to the public hearing requirement of this section, unless the commission determines that a public hearing on the resubmitted proposal is not necessary to achieve the objectives of this section. The commission shall issue findings approving or disapproving such proposal within nine months after submittal, except that final action may be deferred on part or all of an unincorporated proposal when necessary to accommodate an overlapping boundary change proposal as more particularly provided in subsection 10 of section 72.405. The proposal shall be submitted at the next general or special election in accordance with the provisions of chapter 115, RSMo. The cost of the election shall be paid by the county. If the proposal is approved by the voters then the area shall be an established unincorporated area and shall remain unincorporated territory for a period of five years from the date of the vote and shall not be subject to any boundary change [provided for in] **pursuant to** sections 72.400 to 72.420.

3. In reviewing any proposed unincorporated area proposal, the commission shall approve such proposal if it finds that continued provision of local services to the area by the county will not impose an unreasonable burden on county government and that such designation is in the best interest of the unincorporated territories affected by the proposal and the areas of the county next to such area. In making its determination, the commission shall consider the following factors:

- (1) The impact, including but not limited to the impact on the tax base or on the ability to raise revenue, of such proposal on:

(a) The area subject to the proposed established unincorporated area and its residents;

(b) Adjoining areas not involved in the proposed established area and the residents thereof; and

(c) The entire geographic area of the county and its residents;

(2) A legal description of the unincorporated area;

(3) The creation of logical and reasonable municipal boundaries in the county, and for such purpose the commission shall have the ability to make additions, deletions and modifications which address legal boundaries, technical or service delivery problems or boundaries which overlap those of other proposals; however, such additions, deletions and modifications shall not make substantial changes to any proposed unincorporated area proposal;

(4) Whether approval of the unincorporated area proposal will result in unreasonable difficulty in provision of services by the county;

(5) The effect approval of the established unincorporated area will have on the distribution of tax resources in the county;

(6) The compactness of the area subject to such proposal.

4. After approval by the voters of an unincorporated area proposal, no boundary change affecting any part of such area shall be proposed to the commission until expiration of the area's status as an established unincorporated area, but map plans affecting the area may be filed during the planning period pursuant to section 72.423. If no map plan of a boundary change proposal with respect to an established unincorporated area has been submitted during the most recent planning period pursuant to section 72.423, the commission shall commence review of the circumstances of such established unincorporated area six months prior to its expiration, and shall submit reauthorization of such unincorporated area to the voters if the commission determines that its circumstances have not materially changed since it was approved.

**72.423. FIVE-YEAR PLANNING CYCLE, PROCEDURES, MAP PLANS, REVIEW. —**

1. In any county in which a boundary commission has been established pursuant to section 72.400, all boundary changes and unincorporated area proposals shall be subject to the five-year planning cycle mandated in this section. No municipality nor other person shall file, nor shall the commission accept or review, any boundary change or unincorporated area proposal which has not previously been submitted to the commission for map plan review and comment as provided in this section, except that consolidations of municipalities and transfers of jurisdiction **pursuant to subdivision (2) of subsection 6 of section 72.405** may be sought at any time without prior submission for map plan review and comment as provided in this section.

2. Between January 1, 2000, and July 1, 2000, and between January first and July first of each sixth year thereafter, each municipality, the county, and any citizen group may present general maps of proposed boundary changes and proposed established unincorporated areas to the commission for map plan review. Proposed incorporations and unincorporated areas, if not submitted by the county, shall be submitted by petition of no less than five percent of the registered voters within the proposed area. Boundary change and unincorporated area maps shall not be

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accompanied by a plan of intent, but shall be depicted with sufficient detail and accuracy to permit review and comment.

3. Between August 1, 2000, and December 31, 2000, and each sixth year thereafter, the commission shall solicit written comments on all boundary change and established unincorporated area map plans and shall hold informational public hearings in or near the affected areas, at which the county, any municipality, or other interested person shall be heard. The commission may encourage negotiation between parties involved in competing map plans. Map plans may be amended by the submitting parties until April fifteenth of the year following map plan submission based on negotiation or based on the hearings or other comments, but no such amendment shall enlarge the boundary change or unincorporated area map plan beyond the area originally submitted, except for minor technical amendments necessary to address boundary issues.

4. The commission may by April first of the year following map plan submission issue written comments regarding each boundary change and unincorporated area map plan to notify proponents of the merits or demerits of such map plan based on planning and public policy considerations. The map plan as submitted or as amended by April fifteenth shall remain on file with the commission, and shall be the limit of permissible boundary changes and unincorporated area proposals as provided in subsection 1 of this section.

5. Proposals shall be submitted to the commission no later than July first of the third year following conclusion of map plan review. Any proposal which has not been approved by the commission by January first of the next review period year as provided in subsection 2 of this section shall expire without further action.

**321.223. FIRE PROTECTION DISTRICTS MAY CONTRACT TO PROVIDE FIRE PROTECTION TO MUNICIPALITIES NOT IN THE DISTRICT, CERTAIN COUNTIES (INCLUDING ST. LOUIS COUNTY) — MAY ALSO PROVIDE AMBULANCE SERVICE, WHEN. — 1. Notwithstanding any other provision of law to the contrary, any fire protection district within a county of the first classification with a charter form of government with a population of at least nine hundred thousand may contract with any municipality or village that does not operate their own fire department to provide fire protection services for a fee to any area of the municipality or village that does not belong to the fire protection district. In such event, the municipality and the fire protection district shall, by ordinance duly enacted by the governing board of each, agree upon the terms which such fire protection shall be furnished. The agreement may provide for the payment of a stated sum per year upon any method of compensation for such fire protection that is agreed upon by the fire district and the municipality entering into such contract; provided that any contract for a period longer than five years shall have no binding force until ratified by a majority of the voters in the fire district and the municipality entering into such a contract.**

**2. If the fire protection district is authorized to provide ambulance service within its district, the fire protection district may also provide ambulance service to the municipality, upon such terms as the fire district and the municipality may**

agree, which are not inconsistent with any requirement of subsection 1 of this section.

**[72.400. DEFINITIONS.** — As used in sections 72.400 to 72.418, the following terms mean:

(1) "Boundary adjustment", an adjustment of a boundary between two municipalities or a municipality and the unincorporated area of the county involving two residential parcels in common ownership or portions of a single residential parcel in common ownership or an adjustment between two municipalities or a municipality and the unincorporated area of the county involving only public property or public rights-of-way;

(2) "Boundary change", any annexation, consolidation, incorporation, transfer of jurisdiction between municipalities or between a municipality and the county, or combination thereof, which, if approved, would result in a municipality composed of contiguous territory;

(3) "Commission", a boundary commission established pursuant to this section;

(4) "Contiguousness", territory proposed for annexation in which at least fifteen percent of its boundary is adjacent to the municipality which is proposing the annexation;

(5) "Proposing agent", the governing body of any municipality which by ordinance has adopted a boundary change proposal or the governing body of the county which by ordinance has adopted a boundary change proposal, or a person presenting petitions signed by a number of registered voters equal to not less than fifteen percent of the number of votes cast for governor in the last gubernatorial election in the total combined area affected by the boundary change proposal. Petitions submitted by proposing agents may be submitted with exclusions for the signatures collected in areas originally included in the proposal but subsequently annexed or incorporated separately as a municipality, although the commission shall be satisfied as to the sufficiency of the signatures for the final proposed area;

(6) "Simplified boundary change", an annexation initiated by a verified petition signed by seventy-five percent of the residential property owners of all fee interests of record of the area proposed for annexation and filed by the annexing municipality and which the commission determines and finds should be approved without voter approval;

(7) "Voting jurisdiction", a city, town or village, or areas of unincorporated territory with boundaries established by the commission for purposes of holding a boundary change election.]

**[72.401. LAW TO BE EXCLUSIVE FOR BOUNDARY CHANGES — CERTAIN COUNTIES, PROCEDURE FOR INCORPORATION, ANNEXATION OR CONSOLIDATION — PRIOR CHANGES EFFECTIVE — PETITION NOT SUBJECT TO COMMISSION APPROVAL — COMMISSION, MEMBERS, QUALIFICATIONS, APPOINTMENT, VACANCIES — NOTICE OF ORDINANCE ESTABLISHING COMMISSION — LIST OF APPOINTEES — TERMS — SUCCESSION — CONFLICT OF INTEREST — CONTINGENT EXPIRATION DATE — BOUNDARY ADJUSTMENT NOT SUBJECT TO COMMISSION REVIEW, WHEN.**  
— 1. If a commission has been established pursuant to section 72.400, any boundary



change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to 72.420, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, there shall be no incorporation of any new city, town, or village wholly or partially in such county, nor any annexation or consolidation of any area wholly or partially in such county for one hundred twenty days after June 2, 1995, except for the following:

(1) As provided in subsection 3 of this section; or

(2) Where the governing body of the county specifically adopts an ordinance stating that a boundary commission shall not be established in the county, such incorporation, annexation or consolidation may resume after the effective date of the ordinance. Immediately after the expiration of such moratorium, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to 72.420, then annexation, incorporation and consolidation in such county shall proceed only as provided in sections 72.400 to 72.420. The procedures established in section 72.420 shall remain applicable to counties of the first classification where fifty or more cities, towns and villages have been established. The provisions of sections 72.400 to 72.420 shall expire on December 31, 2002, unless the general assembly reauthorizes such provisions prior to December 31, 2002.

3. Notwithstanding any provisions of law to the contrary, any boundary changes approved by voters, simplified boundary changes approved by one hundred percent of the property owners and the governing body of the annexing city, and exchanges of land agreed to by the governing bodies of the jurisdictions involved in the exchange, which have been approved or agreed to prior to June 2, 1995, and which have not yet taken effect at the time of the first meeting of the boundary commission shall not be subject to commission approval.

4. Any proposal for incorporation by petition of at least six thousand registered voters which has been submitted to the governing body of the county under section 72.080 by June 30, 1995, shall not be subject to commission approval, and such boundary changes shall become effective on the date determined by the jurisdictions involved or by court order. Notice of such boundary changes shall be provided to the commission.

5. The commission shall be composed of eleven members as provided in this subsection. No member or employee of the commission shall be an elective official, employee or contractor of any political subdivision or of any organization representing political subdivisions or officers or employees of political subdivisions. Each of the appointing authorities described in subdivisions (1) to (5) of this subsection shall appoint persons who shall be residents of their respective locality so described. The appointing authority making the appointments shall be:

(1) The chief elected officials of all municipalities wholly within the county which have a population of more than twenty thousand persons, who shall name the number of members to the commission as prescribed in this subsection;

(2) The chief elected officials of all municipalities wholly within the county which have a population of twenty thousand or less but more than ten thousand

persons, who shall name the number of members to the commission as prescribed in this subsection;

(3) The chief elected officials of all municipalities wholly within the county which have a population of ten thousand persons or less, who shall name the number of members to the commission as prescribed in this subsection;

(4) Each member of the county council of the three county council districts with the largest number of residents residing within the unincorporated area of the county, who shall each be allowed to nominate one member of the commission in the manner prescribed in this subdivision. Each such county council member shall submit a list of two residents of the unincorporated area of such member's district to the county executive, and the county executive shall select one person from each list so submitted to be a member of the commission. If a list is not submitted to the county executive by the times prescribed in subsection 6 of this section, the county executive shall name a person to be a member of the commission; and

(5) The county executive of the county, who shall name two of the members of the commission from the unincorporated area of the county. The seat of a commissioner shall be automatically vacated when the commissioner ceases to be a resident member of the appointing group. The vacancy shall be filled according to subsection 7 of this section. Each appointing authority described in subdivisions (1) to (3) of this subsection shall appoint a member for every sixteen and two-thirds percent, rounded up or down to the nearest sixteen and two-thirds percent, of the population of the county which resides in the municipalities described in such subdivisions. In the event that rounding would result in more than six members from the three municipal appointing authorities, then rounding up shall not apply to the appointing authority farthest from the next higher sixteen and two-thirds percent. Percentages and populations shall be calculated according to the last federal decennial census. They shall be calculated as of June 30, 1995.

6. Upon the passage of an ordinance by the governing body of the county establishing a boundary commission, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected official of each municipality wholly or partly in the county. Each of the appointing authorities described in subdivisions (1) to (3) of subsection 5 of this section shall meet within thirty days of the passage of the ordinance establishing the commission to compile its list of appointees. Each list shall be delivered to the county executive within forty-one days of the passage of such ordinance. The county executive shall appoint members representing the unincorporated areas of the county within forty-five days of the passage of the ordinance. If a list is not submitted by the time specified, the county executive shall appoint the members using the criteria of subsection 5 of this section before the sixtieth day from the passage of the ordinance. On the sixty-first day from the passage of such ordinance, the commission shall begin to exercise the powers and duties assigned to it by sections 72.400 to 72.418. At the first meeting of the commission, the commissioners shall choose by lot the length of their terms. Three shall serve for one year, two for two years, two for three years, two for four years, and two for five years. All succeeding commissioners shall serve for five years. Terms shall end on December thirty-first of the respective year. No

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commissioner shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

7. When a member's term expires, or if a member is for any reason unable to complete his term, the respective appointing authority shall appoint such member's successor. The appointee shall be determined by the appointing authority from whose list the outgoing member was appointed. Each appointing authority shall act to ensure that each appointee is secured accurately and in a timely manner, when a member's term expires or as soon as possible when a member is unable to complete his term. A member whose term has expired shall continue to serve until his successor is appointed and qualified.

8. The commission, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records under chapter 610, RSMo.

9. Notwithstanding any provisions of law to the contrary, any boundary adjustment approved by the residential property owners and the governing bodies of the affected municipalities or the county, if involved, shall not be subject to commission review.]

**[72.402. RULES AND REGULATIONS, COMMISSION SHALL PROMULGATE — PROCEDURE.** — The commission shall enact and adopt all rules, regulations and procedures that are reasonably necessary to achieve the objectives of sections 72.400 to 72.420 no sooner than twenty-seven calendar days after notifying all municipalities and the county of the proposed rule, regulation or procedure enactment or change. Notice may be given by ordinary mail or by publishing in at least one newspaper of general circulation qualified to publish legal notices. No new or amended rule, regulation or procedure shall apply retroactively to any boundary change pending before the commission.]

**[72.403. POWERS AND DUTIES OF COMMISSION TO REVIEW ALL BOUNDARY CHANGES — PLAN OF INTENT — NOTICE, PUBLICATION OF — APPROVAL OF CHANGE, FACTORS TO BE CONSIDERED — COMMISSION MAY PROVIDE ADVICE TO PROPOSING AGENTS.** — 1. The commission shall review all proposed boundary changes of any area wholly or partially within the county. Such review shall begin no later than thirty days after the plan of intent for the boundary change has been submitted to the commission by the proposing agent or thirty days after the commission is established for those boundary changes which are pending on the date on which the commission is established. The plan of intent shall address the criteria set forth in subsection 3 of this section. For the purposes of this subsection, the term "pending" means any proposal submitted to the commission which has not yet been voted on by the qualified voters of the voting jurisdictions. No simplified boundary change involving territory already described in an annexation resolution or incorporation petition filed with the commission shall occur unless the annexation or incorporation proposal has been disapproved by the commission or defeated by voters. If more than one proposed change is received from the same proposing agency, the review of each additional proposed change shall begin not later than thirty days after the date that review was commenced for the next preceding proposed change or thirty

days after receipt of the proposed changes were received by the commission; except that, if more than one proposed change is received by the commission from the same proposing agency on the same date, the commission may establish the order of review.

2. When a boundary change proposal has been submitted to the commission, the commission shall, within twenty-one days of receipt of such proposal, publish notice of such proposal and the date of the public hearing thereon in at least one newspaper of general circulation qualified to publish legal notices. Within twenty-one days of receipt of such proposal, the commission shall also mail written notification of such proposal and public hearing date to the county clerk, and to the city or village clerk of each municipality or village, and to any other political subdivision which, in the opinion of the commission, is materially affected by the proposal. The costs of publication and notification shall be borne by the proposing agent. The commission shall hold such public hearing concerning the proposal not less than fourteen nor more than sixty days after such publication and notification are complete. At such public hearing, any interested person, corporation, or political subdivision may present evidence regarding the proposed boundary change. A boundary change proposal which has been disapproved by the commission and which is resubmitted with changes to the commission shall be subject to the public hearing requirement of this section, unless the commission determines that a public hearing on the resubmitted proposal is not necessary to achieve the objectives of sections 72.400 to 72.420.

3. In reviewing any proposed boundary change, the commission shall approve such proposal if it finds that the boundary change will be in the best interest of the municipality or municipalities and unincorporated territories affected by the proposal and the areas of the county next to such proposed boundary. In making its determination, the commission shall consider the following factors:

(1) The impact, including but not limited to the impact on the tax base or on the ability to raise revenue, of such proposal on:

- (a) The area subject to the proposed boundary change and its residents;
- (b) The existing municipality or municipalities, if any, proposing the boundary change and the residents thereof;
- (c) Adjoining areas not involved in the boundary change and the residents thereof; and
- (d) The entire geographic area of the county and its residents;

(2) A legal description of the area to be annexed, incorporated, consolidated, disincorporated, or subject to the transfer of jurisdiction;

(3) The ability to accommodate the orderly incorporation in the county, including its ability to make additions, deletions and modifications which address legal boundaries, technical or service delivery problems or boundaries which overlap those of other proposals; however, such additions, deletions and modifications shall not make substantive changes to any proposed boundary petition;

(4) The present level of major services provided by the municipality or other provider, provided to the unincorporated area by the county, and proposed to be provided by the annexing municipality or municipality to be incorporated or consolidated, including, but not limited to, police protection, fire protection, water and sewer systems, street maintenance, utility agreements, parks, recreation, and refuse collections;

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(5) A proposed time schedule whereby the municipality or proposed municipality plans to provide such services to the residents of the area to be annexed, incorporated or consolidated within three years from the date the municipal boundary change is to become effective;

(6) The current tax rates of the areas subject to the proposal;

(7) What sources of revenue other than property tax are collected or are proposed to be collected by the municipality or proposed municipality;

(8) The extraordinary effect the boundary change will have on the distribution of tax resources in the county;

(9) How the municipality or proposed municipality proposes to zone any area not presently incorporated;

(10) The compactness of the area subject to such proposal;

(11) When the proposed boundary change shall become effective.

4. The provisions of section 71.910, RSMo, shall not apply to a proposing agent proceeding before the commission.

5. Nothing in sections 72.400 to 72.420 shall be construed to prevent the boundary commission or its staff from advising proposing agents on issues related to proposals. The commission may meet informally, subject to the requirements of chapter 610, RSMo, with the representatives of municipalities, other government entities or county residents with regard to future boundary changes.]

**[72.405. BOUNDARY CHANGES, APPROVAL OR DISAPPROVAL — COMMISSION MAY MODIFY PROPOSAL — MINOR CORRECTIONS ALLOWED, WHEN — SIMPLIFIED BOUNDARY CHANGE, PROCEDURE — NONCONTIGUOUS BOUNDARY CHANGES, REQUIRED PROPOSALS — PROHIBITED BOUNDARY CHANGES, EXCEPTION — PROPOSING AGENT MAY MODIFY PROPOSAL. — 1.** For any proposed boundary change submitted after August 28, 1995, the commission shall issue a finding approving or disapproving such proposals within nine months after such submittal. If the commission finds in favor of a proposed boundary change, it shall submit the question to the voters residing within the areas subject to the proposed boundary change, except as provided in subsection 6 of this section.

2. If a boundary change is proposed by a municipality or the county and if the commission finds against the proposed boundary change submitted by a municipality or the county, it shall disapprove the boundary change proposal. In disapproving any boundary change proposal, the commission shall issue a document indicating the reasons such proposal was disapproved. No election shall be held on any such proposal not approved by the commission.

3. If the boundary change is proposed pursuant to a petition, the commission may make such changes in the proposal as it finds would result in an acceptable proposal, such changes to include but not be limited to additions, deletions or the modification of a proposal which contains boundaries which overlap those boundaries contained in any other proposal. After submittal, the commission may allow the proposing agent to make minor additions, deletions or modifications which do not substantially alter the proposal. When reviewing more than one boundary change proposal made by petition, the commission may consolidate two or more unincorporated areas into one proposed boundary change. Any changes made by the commission shall meet the criteria established in section 72.403.

4. Where a proposal submitted by a municipality, the county or by a petition, contains more than two voting jurisdictions, the commission may provide for approval of a boundary change comprising only those municipalities where a majority of voters approve the boundary change and unincorporated area if the resulting municipality would meet the criteria established in section 72.403.

5. If a boundary change is proposed by a municipality or the county and the commission determines that there is a minor error or discrepancy in the legal descriptions of the areas subject to the proposal as submitted by the municipality or county, then the commission with the concurrence of the proposing agent may make such changes to the proposal as are necessary to rectify the error in the legal description.

6. A simplified boundary change may be proposed by:

(1) A verified petition signed by seventy-five percent of the registered voters within the area proposed to be annexed which is filed by the annexing municipality; or

(2) A proposal for a transfer of jurisdiction between municipalities or between a municipality and the county. Within twenty-one days of receipt of a proposal under this subsection, the commission shall publish notice of such proposal and the date of the public hearing thereon in at least one newspaper of general circulation qualified to publish legal notices. The commission shall, within twenty-one days of receipt of such proposal, mail written notification of such proposal and the date of the public hearing thereon to the county clerk, and to the city or village clerk of each municipality or village, and to any other political subdivision which, in the opinion of the commission, is materially affected by such proposal. The commission shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after such publication and notification is complete. At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed boundary change. Within four months of receipt of the proposal, the commission shall determine whether to disapprove the proposal, or to approve the proposal and allow it to proceed as an approved boundary change to be adopted or rejected by the voters pursuant to section 72.407 or 72.410, or to approve the proposal as a simplified boundary change, for which no vote shall be required. In making its determination, the commission shall consider the factors set forth in subsection 3 of section 72.403. If the commission determines that the proposal should be approved as a simplified boundary change, such proposal shall become effective upon the date set forth in the commission's written report of approval.

7. A municipality which wishes to propose a boundary change containing two or more unincorporated areas that are noncontiguous to each other shall submit separate proposals for the unincorporated areas that are noncontiguous to each other, in which case there shall be a separate vote for each proposal approved by the commission. The municipality may:

(1) Adopt and submit separate ordinances for each such separate proposal; or

(2) Adopt and submit one ordinance containing said separate proposals, which ordinance shall clearly state that the municipality is making multiple, separate proposals, and is desirous of separate votes for each separate proposal. The ordinance shall also clearly identify each separate proposal that the municipality is making.

8. The commission shall not approve any boundary change proposal in which more than fifty percent of the combined land subject to the proposal is unincorporated territory or territories unless the area subject to the proposal has a population of more than ten thousand persons.

9. A proposing agent may modify its proposal and submit additional information during the review period.]

**[72.407. ADOPTION OF BOUNDARY CHANGE BY VOTERS, PROCEDURE — UNINCORPORATED POCKET DEFINED — COST OF ELECTION, HOW PAID — PROPOSAL CONCERNING ANNEXATION AND INCORPORATION NOT TO BE SUBMITTED AT SAME ELECTION, ELECTION VOID, WHEN. — 1. Boundary changes may be adopted by the voters in the following manner:**

(1) If the commission approves a proposed boundary change containing more than one municipality and no unincorporated areas, such proposal shall be adopted if a separate majority of the votes cast on the question in each municipality are in favor of the boundary change, except as provided in subsection 4 of section 72.405;

(2) If the commission approves a proposed boundary change containing one or more municipalities and at least one unincorporated area, such proposal shall be adopted if a separate majority of the votes cast on the question in each municipality and a separate majority of votes cast in each voting jurisdiction comprising unincorporated areas of the county are in favor of the boundary change, except as provided in subsection 4 of section 72.405. If a voting jurisdiction comprising unincorporated areas of the county has no residents or if no votes are cast for or against the boundary change, such boundary change shall become effective if a majority of the votes cast in all other voting jurisdictions and municipalities are in favor of the boundary change. On or after January 1, 1996, if the commission approves a proposed

boundary change containing one or more municipalities and at least one unincorporated area which is classified as an unincorporated pocket, such proposal shall be adopted if a separate majority of the votes cast on the question in each municipality and a majority of votes cast in the whole municipality which would result from the boundary change are in favor of the boundary change, except as provided in subsection 4 of section 72.405. As used in this subdivision, the term "unincorporated pocket" means an unincorporated territory with an average residential density in excess of one dwelling per three acres, and which has a population of no more than two thousand five hundred and which is accessible by public or private roadway only from incorporated jurisdictions and/or another county.

2. Any election held pursuant to sections 72.400 to 72.420 shall be held on a date established by the commission in accordance with the provisions of chapter 115, RSMo. If the proposing agent is a petitioner or the governing body of the county, all costs of the election shall be paid by the county. If the proposing agent is the governing body of any municipality, the cost of such election in each municipality shall be paid by each municipality and if the proposal contains any unincorporated territory the cost of the election in the unincorporated territory shall be paid by the county.

3. Questions concerning the annexation of an area covered by sections 72.400 to 72.418 and the incorporation of the same area shall not be put to the voters at the same election. Any such election where the questions of annexation and incorporation have been put to the voters shall be void in the area covered by both propositions. This subsection shall not affect the results of that election in areas where both questions were not put to the voters at the same time. When boundary change proposals for annexation and for incorporation cover the same area, the proposal for annexation shall be put to the voters first.]

**[72.408. LIMITATION ON RESUBMISSION — VOID PETITION, WHEN. —** 1. If a boundary change is disapproved by the voters, no boundary change which contains more than sixty percent of the area of the disapproved boundary change shall be submitted to or processed by the commission any sooner than two years after the date of the disapproved boundary change.

2. Every petition shall be presented to the commission within two hundred eighty days following the date on which the first signature was affixed to the petition, or any part thereof. Failure to present a petition within the foregoing time period shall render the petition absolutely void.]

**[72.409. BOUNDARY CHANGE, EFFECTIVE WHEN — TRANSITION COMMITTEE ESTABLISHED, MEMBERS, HOW SELECTED — TO DISBAND WHEN DELAY IN DECLARING NEW INCORPORATED MUNICIPALITY, WHEN — CONFLICT OF LAWS, THIS SECTION TO PREVAIL. —**

1. If a proposed boundary change is approved by the voters, such proposal shall be effective six months following the date of the election or the date specified in such proposal, whichever date is later. Immediately following the certification of the election, the commission shall establish a committee to determine the details of the transition. The governing body of each affected municipality shall select two members and the governing body of the county in which each unincorporated territory is situated shall select two members from the affected unincorporated territory to meet with similar members appointed from other affected municipalities and the unincorporated territory. The committee shall disband no later than the date the boundary change becomes effective. The governing body of the county may delay declaring a newly incorporated municipality for a period not to exceed six months at the request of the boundary commission to provide for an orderly transition from unincorporated to incorporated status.

2. If a conflict shall exist between the provisions of sections 72.400 to 72.420 and the orders, ordinances or charters of any statutory or charter cities affected by sections 72.400 to 72.420, the provisions of sections 72.405 to 72.409 shall prevail.

3. If a boundary change involves an annexation, failure of the proposing agent to provide services to the area being annexed or to zone in compliance with the "Plan of Intent" required of the proposing agent within three years of the boundary change becoming effective, unless compliance is made unreasonable, shall give rise to a cause of action for deannexation which

may be filed in the circuit court by any resident who was residing in the area at the time the boundary change became effective.]

**[72.410. ELECTION, WHERE HELD.** — If a boundary change is proposed by petition of seventy-five percent of the residential property owners of all fee interests of record in all tracts of real property located within the area proposed, then any election ordered pursuant to subdivision (2) of subsection 6 of section 72.405 shall be conducted in the petitioning area and the receiving municipality.]

**[72.412. COMMISSION INDEPENDENT OF COUNTY — BUDGET REQUEST, APPROPRIATION LEVEL — ANNUAL REPORT BY COMMISSION, CONTENT.** — 1. The commission, once established, shall not be a county commission but shall act as an independent commission. The commission may hire such staff and acquire such facilities as it finds necessary to carry out its duties.

2. The commission shall submit a budget requesting the funds necessary to carry out its duties pursuant to sections 72.400 to 72.418. The county shall appropriate and provide a reasonable and necessary level of funding for the commission to carry out its statutory duties. In addition, the county shall upon request provide petitioners with such available information as may be necessary to develop a plan of intent. Funding must provide for at least one professional staff person, one attorney or the equivalent funds for legal services, and clerical support for the professional staff and attorney. All salary levels shall be based upon the personnel system in use for county employees.

3. The commission shall report annually upon proposals for legislation dealing with joint service arrangements, contracting for services, revenue sharing, and other issues affecting local government in the county. The commission shall make such report available to the municipalities in the county, to the county government, and to all other interested persons.]

**[72.416. CIVIL ACTIONS AGAINST COMMISSION, COST AND ATTORNEYS FEES PAID TO COMMISSION, WHEN.** — In any civil action brought against the commission regarding a proposed boundary change, if the commission prevails in the action, the court may require the party who initiated the action to pay to the commission the reasonable costs incurred by the commission in opposing such action, including attorney's fees.]

**[72.418. NEW CITY NOT TO PROVIDE FIRE SERVICES, WHEN — ANNEXATION, CONTINUATION OF SERVICES — CITY TO PAY FIRE PROTECTION DISTRICT, AMOUNT — VOTING PROVISIONS.** — 1. Notwithstanding any other provision of law to the contrary, no new city created pursuant to sections 72.400 to 72.418 shall establish a municipal fire department to provide fire protection services, including emergency medical services, if such city formerly consisted of unincorporated areas in the county or municipalities in the county, or both, which are provided fire protection services and emergency medical services by one or more fire protection districts. Such fire protection districts shall continue to provide services to the area comprising the new city and may levy and collect taxes the same as such districts had prior to the creation of such new city.

2. Fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, shall continue to provide fire protection services, including emergency medical services to such area. The annexing city shall pay annually to the fire protection district an amount equal to that which the fire protection district would have levied on all taxable property within the annexed area. Such annexed area shall not be subject to taxation for any purpose thereafter by the fire protection district except for bonded indebtedness by the fire protection district which existed prior to the annexation. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be a sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded

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indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. Notwithstanding any other provision of law to the contrary, the residents of an area annexed on or after May 26, 1994, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.

3. The fire protection district may approve or reject any proposal for the provision of fire protection and emergency medical services by a city.

4. Notwithstanding the provisions of section 72.401 to the contrary, this section shall not expire on December 31, 2002.]

**[72.422. PETITION TO REMAIN UNINCORPORATED.]** — 1. Notwithstanding any other provision of sections 72.400 to 72.420, residents of an unincorporated area of a county may remain unincorporated and not subject to any boundary change as provided by sections 72.400 to 72.420 if the following are satisfied:

(1) A person presents to the boundary commission a petition signed by a number of registered voters equal to not less than fifteen percent of the number of votes cast for governor in the last gubernatorial election in the unincorporated area;

(2) A legal description of the unincorporated area accompanies the petition. If there is a minor error or discrepancy in the legal description of the unincorporated area, the commission, with the concurrence of the proponents of the petition, may make such changes to the proposal as are necessary to rectify the error in the legal description;

(3) The unincorporated area contains a population of not less than two thousand five hundred; and

(4) Within thirty days of the filing of the petition, the commission shall make a determination whether the area described in the petition can be reasonably served.

2. Not later than thirty days after the receipt of the items set forth in subdivisions (1) to (4) of subsection 1 of this section, the commission upon finding that the proposal satisfies the criteria of subdivisions (1) to (4) of subsection 1 of this section shall submit the proposal to the voters within the described unincorporated area for voter approval or disapproval. The proposal shall be submitted at the next general or special election in accordance with the provisions of chapter 115, RSMo. The cost of the election shall be paid by the county. If the proposal is approved by the voters then the area shall remain unincorporated territory for a period of five years from the date of the vote and shall not be subject to any boundary change provided for in sections 72.400 to 72.420.

3. A petition submitted pursuant to this section and in accordance with the provisions of chapter 115, RSMo, shall take precedence over any other boundary change proposal which includes any territory within the unincorporated area described in the petition submitted pursuant to this section. No boundary change proposal which includes any territory within an unincorporated area described in a petition submitted pursuant to this section shall be approved or submitted to the voters until the unincorporated proposal is voted upon.

4. If the commission fails to comply with the provisions of this section, the proponents of the petition may file a mandamus action or other appropriate action to compel compliance with the ministerial duties set out in this section.]

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to clarify and correct certain boundary change procedures, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved June 27, 2000

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## HB 1077 [HB 1077]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Repeals peripheral zoning for Cameron.**

AN ACT to repeal section 89.142, RSMo Supp. 1999, relating to peripheral zoning for certain cities.

## SECTION

A. Enacting clause.

89.142. Certain cities may adopt zoning ordinance two miles outside city limits, if correctional facility is within two miles and county has not adopted zoning--limitations (city of Cameron).

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Section 89.142, RSMo Supp. 1999, is repealed.

**[89.142. CERTAIN CITIES MAY ADOPT ZONING ORDINANCE TWO MILES OUTSIDE CITY LIMITS, IF CORRECTIONAL FACILITY IS WITHIN TWO MILES AND COUNTY HAS NOT ADOPTED ZONING--LIMITATIONS (CITY OF CAMERON). — 1.** Any third class city located in more than one county of the third classification, with a population of four thousand but less than ten thousand which has a zoning commission and a board of adjustment, established pursuant to sections 89.010 to 89.140, may, by ordinance, adopt and enforce regulations governing zoning, planning, subdivision and building within all or any portion of any unincorporated area extending two miles outward from the city limits, where there is any correctional facility located within two miles of such city, town or village and the county in which the correctional facility is located has not adopted zoning, planning, subdivision or building ordinances. This section shall not allow such city, town or village to adopt and enforce regulations governing zoning, planning, subdivision and building within the correctional facility grounds or in any way allow the city, town or village to utilize zoning regulations to prevent the department of corrections and human resources from otherwise changing planning and building within the correctional facility grounds. Other provisions of law to the contrary notwithstanding, in those cities, towns or villages subject to the provisions of this section which elect to exercise the option authorized by this section, the presiding commissioner of the county in which the correctional institution is located shall become a full voting member of the planning and zoning commission or other municipal body which will recommend and enforce such regulations.

2. The county district commissioner of the area in which the correctional facility is located shall become a voting member of the city zoning board when

such board is voting on ordinances pertaining to the peripheral zoning. The ordinances for the peripheral zone shall not be more, but may be less, restrictive than the ordinances governing zoning within the corporate limits of the city. If building permits are required by the ordinances, they shall be issued without a fee.]

Approved June 27, 2000

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HB 1082 [SS SCS HB 1082]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Allows federal government to acquire land in this state for reforestation, recreational or agricultural uses only upon statutory approval by General Assembly.**

AN ACT to repeal section 12.010, RSMo 1994, relating to consent of the state to the acquisition of land by the federal government, and to enact in lieu thereof one new section relating to the same subject.

SECTION

A. Enacting clause.

12.010. Consent given United States to acquire land by purchase for certain purposes — exceptions, when.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Section 12.010, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 12.010, to read as follows:

**12.010. CONSENT GIVEN UNITED STATES TO ACQUIRE LAND BY PURCHASE FOR CERTAIN PURPOSES — EXCEPTIONS, WHEN.**— The consent of the state of Missouri is given in accordance with the seventeenth clause, eighth section of the first article of the Constitution of the United States to the acquisition by the United States by purchase or grant of any land in this state acquired for the purpose of establishing and maintaining post offices, internal revenue and other government offices, hospitals, sanatoriums, fish hatcheries, and land for reforestation, recreational and agricultural uses; **but land acquired by eminent domain or condemnation for the purpose of reforestation, Native American/Indian gaming, recreational or agricultural uses shall only be acquired with statutory**

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**authorization of the general assembly.** Land used exclusively for the erection of hospitals by the United States may also be acquired by condemnation.

Approved July 13, 2000

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HB 1085 [HB 1085]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Exempts mental health residential facilities and day programs accredited by the Council on Accreditation from the licensing requirements of the Department of Health.**

AN ACT to repeal section 630.705, RSMo 1994, relating to standards for mental health facilities, and to enact in lieu thereof one new section relating to the same subject.

SECTION

A. Enacting clause.

630.705. Rules for standards for facilities and programs for persons affected by mental disorder, mental illness, mental retardation or developmental disability — classification of facilities and programs — certain facilities and programs not to be licensed.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Section 630.705, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 630.705, to read as follows:

**630.705. RULES FOR STANDARDS FOR FACILITIES AND PROGRAMS FOR PERSONS AFFECTED BY MENTAL DISORDER, MENTAL ILLNESS, MENTAL RETARDATION OR DEVELOPMENTAL DISABILITY — CLASSIFICATION OF FACILITIES AND PROGRAMS — CERTAIN FACILITIES AND PROGRAMS NOT TO BE LICENSED.**— 1. The department shall promulgate rules setting forth reasonable standards for residential facilities and day programs for persons who are affected by a mental disorder, mental illness, mental retardation or developmental disability.

2. The rules shall provide for the facilities and programs to be reasonably classified as to resident or client population, size, type of services or other reasonable classification. The department shall design the rules to promote and regulate safe, humane and adequate facilities and programs for the care, treatment, habilitation and rehabilitation of persons described in subsection 1 of this section.

3. The following residential facilities and day programs shall not be licensed by the department:

- (1) Any facility or program which relies solely upon the use of prayer or spiritual healing;
- (2) Any educational, special educational or vocational program operated, certified or approved by the state board of education [under] **pursuant to** chapters 161, 162 and 178, RSMo, and regulations promulgated by the board;
- (3) Any hospital, facility, program or entity operated by this state or the United States; except that facilities operated by the department shall meet these standards;
- (4) Any hospital, facility or other entity, excluding those with persons who are mentally retarded and developmentally disabled as defined in section 630.005 otherwise licensed by the state and operating under such license and within the limits of such license, unless the majority of the persons served receive activities and services normally provided by a licensed facility [under] **pursuant to** this chapter;
- (5) Any hospital licensed by the department of social services as a psychiatric hospital [under] **pursuant to** chapter 197, RSMo;
- (6) Any facility or program accredited by the Joint Commission on Accreditation of Hospitals, the American Osteopathic Association, Accreditation Council for Services for Mentally Retarded or other Developmentally Disabled Persons, **Council on Accreditation of Services for Children and Families, Inc.**, or the Commission on Accreditation of Rehabilitation Facilities;
- (7) Any facility or program caring for less than four persons whose care is not funded by the department.

Approved June 27, 2000

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## HB 1097 [SCS HB 1097]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Revises civil liability for trespass.**

AN ACT to repeal section 537.340, RSMo 1994, relating to trespass, and to enact in lieu thereof two new sections relating to the same subject.

#### SECTION

- A. Enacting clause.
- 258.110. Limited liability for persons owning land adjoining streams or rivers, when.  
537.340. Trespass on realty — treble damages recoverable, when.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Section 537.340, RSMo 1994, is repealed and two new sections enacted in lieu thereof, to be known as sections 258.110 and 537.340, to read as follows:

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**258.110. LIMITED LIABILITY FOR PERSONS OWNING LAND ADJOINING STREAMS OR RIVERS, WHEN. — 1. Any person owning land adjoining navigable or nonnavigable free-flowing stream or river shall be immune from civil liability for injuries to person or property of persons trespassing or entering on such person's land without implied or expressed permission, invitation, or consent where:**

**(1) The person who was injured entered the land by way of the stream or river; and**

**(2) Such person was subsequently injured on lands adjoining the stream or river.**

**2. The immunity created by this section does not apply if the injuries were caused by:**

**(1) The intentional or unlawful act of the owner or possessor of such land; or**

**(2) The negligent, willful or wanton act of the owner or possessor of such land.**

**537.340. TRESPASS ON REALTY — TREBLE DAMAGES RECOVERABLE, WHEN.** — If any person shall cut down, injure or destroy or carry away any tree placed or growing for use, shade or ornament, or any timber, rails or wood standing, being or growing on the land of any other person, **including any governmental entity**, or shall dig up, quarry or carry away any stones, ore or mineral, gravel, clay or mold, or any ice or other substance or material being a part of the realty, or any roots, fruits or plants, or cut down or carry away grass, grain, corn, flax or hemp in which [he] **such person** has no interest or right, standing, lying or being on land not [his] **such person's** own, or shall knowingly break the glass or any part of it in any building not [his] **such person's** own, the person so offending shall pay to the party injured treble the value of the things so injured, broken, destroyed or carried away, with costs. **Any person filing a claim for damages pursuant to this section need not prove negligence or intent.**

Approved June 27, 2000

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HB 1142 [CCS SCS HCS HB 1142]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Repeals \$100 permit fee for oversized loads of farmers.**

AN ACT to repeal sections 407.850 and 407.870, RSMo 1994, and sections 301.010, 304.170 and 304.200, RSMo Supp. 1999, relating to the regulation of farm equipment, and to enact in lieu thereof six new sections relating to the same subject.

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## SECTION

- A. Enacting clause.
- 301.010. Definitions.
- 304.170. Regulations as to width, height and length of vehicles — exceptions.
- 304.200. Special permits for oversize or overweight loads — rules for issuing — when valid.
- 407.850. Definitions.
- 407.870. Inventory which does not qualify for repurchase.
  - 1. Commodities defined.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 407.850 and 407.870, RSMo 1994, and sections 301.010, 304.170 and 304.200, RSMo Supp. 1999, are repealed and six new sections enacted in lieu thereof, to be known as sections 301.010, 304.170, 304.200, 407.850, 407.870 and 1, to read as follows:

**301.010. DEFINITIONS.** — As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

- (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control;
  - (2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;
  - (3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;
  - (4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;
  - (5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;
  - (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;
  - (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;
  - (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;
  - (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;
  - (10) "Director" or "director of revenue", the director of the department of revenue;
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(11) "Driveaway operation", the movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(12) **"Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in combination with a semitrailer;**

(13) "Farm tractor", a tractor used exclusively for agricultural purposes;

[(13)] (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

[(14)] (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

[(15)] (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

[(16)] (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

[(17)] (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

[(18)] (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

[(19)] (20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

[(20)] (21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

[(21)] (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

[(22)] (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

[(23)] (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of twenty-five miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

[(24)] (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

[(25)] (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a fifty-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, does not have more than four axles and does not pull a trailer which has more than two axles. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

[(26)] (27) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

[(27)] (28) "Log truck", a vehicle which is not a local log truck and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

[(28)] (29) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

[(29)] (30) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

[(30)] (31) "Mobile scrap processor", a business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling;

[(31)] (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

[(32)] (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

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[(33)] (34) "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

[(34)] (35) "Motorcycle", a motor vehicle operated on two wheels;

[(35)] (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

[(36)] (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

[(37)] (38) "Municipality", any city, town or village, whether incorporated or not;

[(38)] (39) "Nonresident", a resident of a state or country other than the state of Missouri;

[(39)] (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

[(40)] (41) "Operator", any person who operates or drives a motor vehicle;

[(41)] (42) "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law;

[(42)] (43) "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

[(43)] (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

[(44)] (45) "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

[(45)] (46) "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

[(46)] (47) "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

[(47)] (48) "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a double saddlemount combination. When three vehicles are towed in this manner, the combination is called a triple saddlemount combination;

[(48)] (49) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

[(49)] (50) "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it, or by an insurance company as a result of settlement of a claim for loss due to damage or theft; or a vehicle, ownership of which is evidenced by a salvage title; or abandoned property which is titled pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words "salvage/abandoned property";

[(50)] (51) "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

[(51)] (52) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

[(52)] (53) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

[(53)] (54) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

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[(54)] **(55)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

[(55)] **(56)** "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

[(56)] **(57)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

[(57)] **(58)** "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010, RSMo;

[(58)] **(59)** "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

[(59)] **(60)** "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional "A dolly" connected truck-tractor semitrailer-trailer combination;

[(60)] **(61)** "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

[(61)] **(62)** "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

[(62)] **(63)** "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

[(63)] (64) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

[(64)] (65) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

[(65)] (66) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

**304.170. REGULATIONS AS TO WIDTH, HEIGHT AND LENGTH OF VEHICLES — EXCEPTIONS.** — 1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of ninety-six inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation; except that, vehicles having a width, including load, not in excess of one hundred two inches, exclusive of clearance lights, rearview mirrors or other accessories required by law or regulations, may be operated on the interstate highways and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Provided however, a recreational vehicle as defined in section 700.010, RSMo, may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

2. No vehicle operated upon the interstate highway system or upon any route designated by the chief engineer of the state transportation department shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.

3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.

4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more than one foot in the front and one foot in the rear. The term "safety bumper" means any device which may be

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fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact.

5. No combination of truck-tractor and semitrailer **or truck-tractor equipped with dromedary and semitrailer** operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor and semitrailer **or truck-tractor equipped with dromedary and semitrailer** operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer **or truck-tractor equipped with dromedary and semitrailer**, the length of [which] **such semitrailer** shall not exceed fifty-three feet.

6. In order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor, semitrailer and trailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982, within a sixty-five foot overall length limit in any state, may continue to be operated upon the interstate highways of this state. On those primary highways not designated by the state highways and transportation commission as provided in subsection 10 of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the state highways and transportation commission may designate additional routes for such sixty-five foot combinations.

7. Automobile transporters, boat transporters [and] truck-trailer boat transporter combinations [having a length not in excess of sixty-five feet and], stinger-steered combination automobile transporters and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered combinations shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang.

8. Driveaway saddlemount combinations having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Saddlemount combinations must comply with the safety requirements of Section 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three saddlemounted vehicles and one fullmount.

9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the interstate and designated primary highway system of this state shall have a semitrailer length in excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and lawful operation in any state on December 1, 1982, operating in a truck-tractor semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailer of a truck-tractor semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer.

10. The highways and transportation commission is authorized to designate routes on the state highway system other than the interstate system over which those combinations of vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9 of this section may be operated. Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8 and 9 of this section may be operated at a distance not to exceed ten miles from the interstate system and such routes as designated under the provisions of this subsection.

11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section, no other combination of vehicles operated upon the primary or interstate highways of this state plus a distance of ten miles from a primary or interstate highway shall have an overall length, unladen or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway, except the state highways and transportation commission may designate additional routes for use by sixty-five foot combinations, seventy-five foot stinger-steered combinations or seventy-five foot saddlemount combinations. Any vehicle or combination of vehicles transporting automobiles, boats or other motor vehicles may carry a load which extends no more than three feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of vehicles.

12. (1) Except as hereinafter provided, these restrictions shall not apply to agricultural implements operating occasionally on the highways for short distances, or to self-propelled hay-hauling equipment or to implements of husbandry, **or to the movement of farm products as defined in section 400.9-109, RSMo**, or to vehicles temporarily transporting agricultural implements or implements of husbandry or roadmaking machinery, or road materials or towing for repair purposes vehicles that have become disabled upon the highways; or to implement dealers delivering or moving farm machinery for repairs on any state highway other than the interstate system.

(2) Implements of husbandry and vehicles transporting such machinery or equipment **and the movement of farm products as defined in section 400.9.109, RSMo**, may be operated occasionally for short distances on state highways when operated between the hours of sunrise and sunset by a driver licensed as an operator or chauffeur.

13. As used in this chapter the term "implements of husbandry" means all self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application of commercial plant food materials or agricultural chemicals, and not specifically

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designed or intended for transportation of such chemicals and materials. No implement of husbandry may exceed a width of eleven feet, six inches.

14. The purpose of this section is to permit a single trip per day by the implement of husbandry from the source of supply to a given farm.

15. Sludge disposal units may be operated on all state highways other than the interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may be equipped with over-width tires. Such units shall observe all axle weight limits. The chief engineer of the state transportation department shall issue special permits for the movement of such disposal units and may by such permits restrict the movements to specified routes, days and hours.

**304.200. SPECIAL PERMITS FOR OVERSIZE OR OVERWEIGHT LOADS — RULES FOR ISSUING — WHEN VALID.** — 1. The chief engineer of the state department of transportation, for good cause shown and when the public safety or public interest so justifies, shall issue special permits for vehicles or equipment exceeding the limitations on width, length, height and weight herein specified, or which are unable to maintain minimum speed limits. Such permits shall be issued only for a single trip or for a definite period, not beyond the date of expiration of the vehicle registration, and shall designate the highways and bridges which may be used [under] **pursuant to** the authority of such permit.

2. The chief engineer of the state department of transportation shall upon proper application **and at no charge** issue a special permit to any person allowing the movement on state and federal highways of farm products **between sunset and sunrise** not in excess of fourteen feet in width. Special permits allowing movement of oversize loads of farm products shall allow for movement between sunset and sunrise, subject to appropriate requirements for safety lighting on the load, appropriate limits on load dimensions and appropriate consideration of high traffic density between sunset and sunrise on the route to be traveled. The chief engineer may also issue upon proper application a special permit to any person allowing the movement on the state and federal highways of vehicles hauling lumber products and earth moving equipment not in excess of fourteen feet in width. **For the purposes of this section, "farm products" shall have the same meaning as provided in section 400.9-109, RSMo.**

3. Rules and regulations for the issuance of special permits shall be prescribed by the state highways and transportation commission and filed with the secretary of state. No rule or portion of a rule promulgated [under] **pursuant to** the authority of section 304.010 and this section shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] **chapter 536, RSMo.**

4. The officer in charge of the maintenance of the streets of any municipality may issue such permits for the use of the streets by such vehicles within the limits of such municipalities.

5. In order to transport manufactured homes, as defined in section 700.010, RSMo, on the roads, highways, bridges and other thoroughfares within this state, only the applicable permits required by this section shall be obtained.

**407.850. DEFINITIONS.**— As used in sections 407.850 to 407.885, the following terms mean:

- (1) "Current model", a model listed in the wholesaler's, manufacturer's or distributor's current sales manual or any supplements thereto;
- (2) "Current net price", the price listed in the wholesaler's, manufacturer's or distributor's price list or catalogue in effect at the time the contract is canceled or discontinued, less any applicable trade and cash discounts;
- (3) "Inventory", farm implements, machinery, attachments and repair parts;
- (4) "Net cost", the price the retailer actually paid for the merchandise to the wholesaler, manufacturer or distributor, plus freight from the wholesaler's, manufacturer's or distributor's location to the dealer's location;
- (5) "Retailer", any person, firm or corporation engaged in the business of selling, **repairing** and retailing:
  - (a) Farm implements, machinery, attachments or repair parts[.];
  - (b) **Industrial, maintenance and construction power equipment; or**
  - (c) **Outdoor power equipment used for lawn, garden, golf course, landscaping or grounds maintenance;**

but shall not include retailers of petroleum and motor vehicles and related automotive care and replacement products normally sold by such retailers [and shall not include retailers of lawn and garden equipment not primarily engaged in the farm equipment business].

**407.870. INVENTORY WHICH DOES NOT QUALIFY FOR REPURCHASE.**— The provisions of sections 407.850 to 407.885 shall not require the repurchase from a retailer of:

- (1) [Any repair part which has a limited storage life or is otherwise subject to deterioration, such as rubber items, gaskets or batteries;
  - (2) Any repair part which is in a broken or damaged package;
  - (3) Any single repair part which is priced as a set of two or more items;
  - (4)] Any repair part which because of its condition is not resalable as a new part without repackaging or reconditioning;
  - [(5)] (2) Any inventory for which the retailer is unable to furnish evidence, satisfactory to the wholesaler, manufacturer or distributor, of title, free and clear of all claims, liens and encumbrances;
  - [(6)] (3) Any inventory which the retailer desires to keep, provided the retailer has a contractual right to do so;
  - [(7)] (4) Any implements, machinery, and attachments which are not in new, unused, undamaged, or complete condition;
  - [(8)] (5) Any repair parts which are not in new, unused, or undamaged condition;
  - [(9)] (6) Any implements, machinery or attachments which were purchased twenty-four months or more prior to notice of termination of the contract;
  - [(10)] (7) Any inventory which was ordered by the retailer on or after the date of notification of termination of the contract;
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[(11)] (8) Any inventory which was acquired by the retailer from any source other than the wholesaler, manufacturer or distributor or transferee of such wholesaler, manufacturer or distributor.

**SECTION 1. COMMODITIES DEFINED. — Soy diesel, soy oil products and ethanol shall be considered commodities for purposes of section 34.070, RSMo.**

Approved June 27, 2000

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HB 1185 [SCS HB 1185]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Authorizes conveyance of certain Lincoln University property to Jefferson City and a small part of the property of the Mexico Veterans Home.**

AN ACT to authorize the conveyance of certain state property to the City of Jefferson and the Optimist Club Foundation of Mexico Missouri, Inc.

SECTION

1. Authorizes the conveyance of certain state property to Jefferson City.
2. Authorizes the conveyance of certain state property to the Optimist Club Foundation of Mexico Missouri, Inc.
3. Conveyance by Optimist Club Foundation of Mexico Missouri, Inc. subject to restrictions — reversion clause.
4. Attorney general to approve conveyance instrument.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION 1. AUTHORIZES THE CONVEYANCE OF CERTAIN STATE PROPERTY TO JEFFERSON CITY. — 1. The governor is hereby authorized and empowered to give, grant, bargain and convey to the City of Jefferson, Missouri, property used for the street right-of-way, utilities and sanitary lift station purposes. The property to be conveyed to the City of Jefferson, Missouri, by the state of Missouri is more particularly described as follows:**

**Part of the Southeast Quarter of Section 30, Township 44 North, Range 11 West, in the City of Jefferson, County of Cole, Missouri; being more particularly described as follows: BEGINNING at the northeast corner of the Southeast Quarter of said Section 30; thence south along the east line of said Southeast Quarter, 625 feet; thence west and parallel to the north line of said Southeast Quarter, to a point 30 feet west of the said east line of said Southeast Quarter, as measured perpendicular thereto; thence north on a line parallel to and 30 feet west of said east line of said Southeast Quarter, 625 feet**

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to the north line of said Southeast Quarter; thence east along the north line of said Southeast Quarter to the POINT OF BEGINNING.

Containing in all, .043 acres.

2. The attorney general shall approve the form of the instrument of conveyance.

**SECTION 2. AUTHORIZES THE CONVEYANCE OF CERTAIN STATE PROPERTY TO THE OPTIMIST CLUB FOUNDATION OF MEXICO MISSOURI, INC. —** The governor is hereby authorized to remise, release and forever quit claim the following described property to the Optimist Club Foundation of Mexico Missouri, Inc. The property currently utilized by the Missouri Veterans Home to be conveyed is more particularly described as follows:

A tract of land lying, being and situated in the County of Audrain and State of Missouri to-wit:

A 3.282 acres tract of land being part of the southwest quarter of Section 24, Township 51 North, Range 9 West; also being a part of the tract of land described in the Warranty Deed recorded in Book 244, Page 261 at the Audrain County, Missouri Recorder's Office; and also being a part of the 6.161 acres tract of land shown in the survey by Robert L. James recorded in Book 237, Page 830 at the Audrain County, Missouri Recorder's Office; and being more particularly described as follows:

Beginning at the southwest corner of the northwest quarter of the southwest quarter of said Section 24; thence with the section line, N 0° 05'E, 30.00 feet to a point in the north line of Vine Street; thence with said north line extended eastward, N 89° 26'E, 120.00 feet to a point; thence N 0° 05'E, 240.00 feet to a point in the eastward extension of the south line of Orange Street; thence with said south line, S 89° 26'W, 80.00 feet to a point; thence N 0° 05'E, 54.00 feet to a point; thence N 89° 26'E, 399.54 feet, more or less, to a point, said point being in the east line of the said 6.161 acres in the said survey by Robert L. James; thence S 0° 15'W, 395.45 feet, more or less, to a point, said point being the northeast corner of the tract of land described in the Quit Claim Deed recorded in Book 282, Page 903 at the Audrain County, Missouri Recorder's Office; thence S 89° 16'W, 438.88 feet to a point in the west line of said Section 24; thence with said west line N 0° 21'E, 72.72 feet to the point of beginning, subject to existing easements and restrictions.

**SECTION 3. CONVEYANCE BY OPTIMIST CLUB FOUNDATION OF MEXICO MISSOURI, INC., SUBJECT TO RESTRICTIONS — REVERSION CLAUSE. —**

Consideration for the conveyance shall be as negotiated by the parties. The instrument of conveyance shall reserve a reversionary interest in the state of Missouri if the Optimist Club Foundation of Mexico, Missouri, Inc. ceases to use the property described in section 2 of this act. In addition, the instrument

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of the conveyance shall contain such other restrictions, reversionary clauses, and conditions as are deemed necessary to protect the interest of the state.

**SECTION 4. ATTORNEY GENERAL TO APPROVE CONVEYANCE INSTRUMENT.**  
— The attorney general shall approve as to form the instrument of conveyance.

Approved June 27, 2000

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HB 1186 [HB 1186]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes Governor to convey certain property in Cole County which is part of Church Farm Correctional Facility.**

AN ACT to authorize the governor to convey certain property in Cole County which is part of the correctional facility known as the Church Farm.

**SECTION**

1. Authority for conveyance of Cole County property known as Church Farm — description of property — terms of sale — use of proceeds — attorney general to approve instrument of conveyance.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION 1. AUTHORITY FOR CONVEYANCE OF COLE COUNTY PROPERTY KNOWN AS CHURCH FARM — DESCRIPTION OF PROPERTY — TERMS OF SALE — USE OF PROCEEDS — ATTORNEY GENERAL TO APPROVE INSTRUMENT OF CONVEYANCE.**— **1.** The governor is hereby authorized and empowered to sell, transfer, grant and convey all interest in fee simple absolute in property owned by the state in Cole County which is part of the correctional facility known as the Church Farm to any person at a public offering as provided in subsection 2 of this section. The property hereby authorized to be conveyed by the governor shall be more particularly described by a survey. Such survey shall be authorized by the division of design and construction of the office of administration pursuant to this section. For the purposes of this section, the property to be conveyed, known as the Church Farm Bottoms, is a tract of land in Cole County (approximately eleven hundred acres) lying between the Union Pacific Railroad Lines to the south and the Missouri River to the north. An additional portion of the Church Farm is to be conveyed, it being a triangular parcel of land in Cole County (approximately eighteen acres) lying south of Wade Road.

**2.** The division of design and construction of the office of administration shall authorize an independent appraisal or appraisals. The commissioner of

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administration shall set the terms and conditions for the public sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required; the time, place and terms of the sale; whether or not a minimum bid shall be required; and whether or not to contract for the services of a public auctioneer to market the property. The auctioneer, if any, may receive the usual and customary fee. All costs and fees, directly related to such sale, shall be paid from the proceeds of such sale. All proceeds received for such sale, in excess of the costs, shall be used to assist in the funding of the construction or repair or maintenance of state correctional facilities.

**3. The attorney general shall approve the form of the instrument of conveyance.**

Approved June 27, 2000

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## HB 1238 [CCS SCS HS HB 1238]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Modifies law concerning property use, taxation, and disposition.**

AN ACT to repeal sections 64.342, 67.1062, 67.1063, 71.014, 135.355, 140.160, 141.220, 141.540, 141.610 and 353.020, RSMo 1994, sections 67.410, 67.1401, 67.1461, 72.424, 82.300, 92.031, 135.481, 139.053, 140.110, 144.757, 144.759, 144.761, 249.470 and 260.210, RSMo Supp. 1999, and both versions of section 141.550 as they appear in RSMo Supp. 1999, relating to the use and improvement of property, and to enact in lieu thereof forty new sections relating to the same subject, with an emergency clause for certain sections and a termination date for a certain section.

#### SECTION

##### A. Enacting clause.

- 64.337. County commission authorized to appoint and set compensation of park rangers — rangers, certification by department of public safety required, powers and duties (Clay County).
  - 64.342. Park concession stands or marinas, county-operated, funds go to county park fund (Clay County).
  - 67.410. Provisions required in ordinance.
  - 67.478. Title.
  - 67.481. Definitions.
  - 67.484. St. Louis County authorized to form community comeback trust, purposes, formation — board, composition, nomination, powers, duties, restrictions — funding, local sales tax, bond issuance, validity, payment.
  - 67.487. Community comeback plan, notification, development, distribution, annual revision and adoption — reports and audits required — advisory committee to be established by the board.
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- 67.490. Petitions, contents, review, criteria, approval by board as proposal, public hearing — procedure if funds sought, additional review, findings by board required when — select neighborhood action program, eligible projects.
- 67.493. Funds, minimum to be used for SNAP grant program and priority comeback projects, other uses.
- 67.1062. Definitions.
- 67.1063. Governing body of county may establish program of assistance for homeless — financing by additional user fees for recording instruments, voter approval required.
- 67.1401. Community improvement district act, definitions.
- 67.1461. Powers of district — reimbursement of municipality — limitations.
- 67.1545. Sales and use tax authorized in certain districts (Kansas City)— procedure to adopt, ballot language, imposition and collection by retailers — penalties for violations — deposit into trust fund, use — repeal.
- 67.1850. Geographical information system may be created (Greene County or Springfield), purpose, open records policy, fees for information, licensing, liability.
- 71.014. Annexation by certain cities upon request of all property owners in area annexed.
- 72.424. Owners of certain tracts of land located in certain cities (including Eureka and Wildwood) may, by agreement, choose to join one or the other, procedure — termination date.
- 82.300. Certain cities may enact ordinances, purposes, punishments (including Kansas City).
- 82.1050. Landlords in certain cities required to register with city to ensure safety and code regulation compliance, required information — expiration date (including Kansas City and St. Louis).
- 92.031. Annual tax for debt service, rate — (Kansas City).
- 99.053. Appointment of additional housing commissioner authorized where necessary to comply with federal law.
- 100.331. Commissioners, number reduced, appointment, terms, qualifications, vacancies — consolidation plan authorized (St. Louis City).
- 135.355. Eligibility statement must be filed with tax return, failure to comply, effect — federal requirement to recapture, state requires to recapture, amount.
- 135.481. Taxpayers incurring eligible costs entitled to tax credit, amount, qualifications.
- 139.053. Property taxes, how paid — estimates — interest — refunds.
- 140.110. Collection of back taxes, payments applied, how, exceptions — removal of lien.
- 140.160. Limitation of actions, exceptions — county auditor to furnish delinquent tax list.
- 141.220. Definitions (first class charter counties, and Clay and Buchanan counties).
- 141.540. Place of sale — form of advertisement — notice to be posted on land and sent to certain persons, procedure (first class charter counties, and Clay and Buchanan counties).
- 141.550. Conduct of sale — interests conveyed — special sale procedures for certain counties, certain owners prohibited from bidding — cost of publication (first class charter counties, and Clay and Buchanan counties).
- 141.550. Conduct of sale — interests conveyed — special sale procedures for certain counties, certain owners prohibited from bidding — cost of publication (first class charter counties, and Clay and Buchanan counties).
- 141.610. Court administrator's, sheriff's deed, effect — action to set aside, limitations (first class charter counties).
- 144.757. Local use tax to fund community comeback program — rate of tax — St. Louis County — ballot of submission — notice to director of revenue — repeal or reduction of local sales tax, effect on local use tax.
- 144.759. Collection of additional local use tax for community comeback program — deposit in local use tax trust fund, not part of state revenue — distribution to counties and municipalities — refunds — notification to director of revenue on abolishment of tax.
- 144.761. Repeal or amendment of local use tax — effect on local use tax of repeal of local sales tax — petition to repeal local use tax — ballot measure on repeal of local use tax.
- 249.470. Districts to be established by resolution of commission — countywide sewer districts, when.
- 260.210. Prohibited acts, exception — search warrants to issue, when — investigations, department may conduct, how — demolition waste, disposal of, requirements — building permits, notice of disposal of demolition waste required, form — exceptions — exceptions for Kansas City.
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353.020. Definitions.

1. Department of natural resources shall verify compliance with corrective action plans for hazardous waste management.
  2. Authorizes grants for regional research consortia in a distressed community.
  3. Authorizes local sales tax to provide community services for children — establishes fund (St. Charles County).
- B. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 64.342, 67.1062, 67.1063, 71.014, 135.355, 140.160, 141.220, 141.540, 141.610 and 353.020, RSMo 1994, sections 67.410, 67.1401, 67.1461, 72.424, 82.300, 92.031, 135.481, 139.053, 140.110, 144.757, 144.759, 144.761, 249.470 and 260.210, RSMo Supp. 1999, and both versions of section 141.550 as they appear in RSMo Supp. 1999, are repealed and forty new sections enacted in lieu thereof, to be known as sections 64.337, 64.342, 67.410, 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.1062, 67.1063, 67.1401, 67.1461, 67.1545, 67.1850, 71.014, 72.424, 82.300, 82.1050, 92.031, 99.053, 100.331, 135.355, 135.481, 139.053, 140.110, 140.160, 141.220, 141.540, 141.550, 141.610, 144.757, 144.759, 144.761, 249.470, 260.210, 353.020, 1, 2 and 3, to read as follows:

**64.337. COUNTY COMMISSION AUTHORIZED TO APPOINT AND SET COMPENSATION OF PARK RANGERS — RANGERS, CERTIFICATION BY DEPARTMENT OF PUBLIC SAFETY REQUIRED, POWERS AND DUTIES (CLAY COUNTY).** — 1. In order to furnish security similar to that provided in state parks, the county commission of any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand containing a part of a city with a population over three hundred fifty thousand may appoint and set the compensation of such park rangers, who shall be certified by the director of the department of public safety, as provided in chapter 590, RSMo, as it deems necessary for the prompt and proper discharge of its duties relating to the parks and recreational facilities of the county. Such certification shall include one hundred twenty hours of training in addition to that required in section 590.105, RSMo. The salaries of all park rangers appointed pursuant to this section shall be paid in the same manner as the salaries of other county employees.

2. Each park ranger appointed pursuant to this section shall:

(1) Before entering upon the discharge of his or her duties, take and subscribe an oath of office to perform his or her duties faithfully and impartially;

(2) Have full authority, including all the powers given to other peace officers of this state, to preserve the peace, make arrests, and issue citations for violations of any state law or of any rules or regulations adopted by the governing body pursuant to section 64.345, on all land, thoroughfares and waterways within the park boundaries.

3. Park rangers appointed pursuant to this section may carry firearms while engaged in the performance of their official duties only while within the

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park boundaries, subject to the training requirements of section 590.105, RSMo.

4. All revenues received from fines levied pursuant to subsection 2 of this section shall be deposited into the county school fund and distributed pursuant to section 166.131, RSMo.

**64.342. PARK CONCESSION STANDS OR MARINAS, COUNTY-OPERATED, FUNDS GO TO COUNTY PARK FUND (CLAY COUNTY).**— 1. Section 64.341 to the contrary notwithstanding, the county commission of any [first class nonchartered county] **county of the first classification without a charter form of government with a population of at least one hundred fifty thousand** containing part of a city with a population over [four] **three hundred fifty thousand** [and bordering on a lake having at least one hundred and ten miles of shoreline] is hereby authorized to acquire, by purchase or gift, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate, in whole or in part, concession stands **or marinas** within any area contiguous to the lake which is used as a public park, playground, camping site or recreation area.

2. Such concession stands **or marinas** may offer refreshments for sale to the public using such areas and services therein relating to boating, swimming, picnicking, golfing, shooting, horseback riding, fishing, tennis and other recreational, cultural and educational uses upon such terms and under such regulations as the county may prescribe.

3. All moneys derived from the operation of concession stands **or marinas** shall be paid into the county treasury and be credited to a "Park Fund" to be established by each county authorized under subsection 1 of this section and be used and expended by the county commission for park purposes.

4. **The provisions of this section extending authority to counties concerning marinas shall not apply to any privately operated marina in operation prior to the effective date of this section.**

**67.410. PROVISIONS REQUIRED IN ORDINANCE.**— 1. Except as provided in subsection 3 of this section, any ordinance enacted pursuant to section 67.400, shall:

(1) Set forth those conditions detrimental to the health, safety or welfare of the residents of the city, town, village, or county the existence of which constitutes a nuisance;

(2) Provide for duties of inspectors with regard to such buildings or structures and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such buildings or structures;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the property is to be vacated, if such be the case, reconditioned or removed, listing a reasonable time for commencement; and may provide that such notice be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further

provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the building or structure as shown by the land records of the recorder of deeds of the county wherein the land is located shall be made parties;

(4) Provide that upon failure to commence work of reconditioning or demolition within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town, village, or county, the building commissioner or designated officer or officers shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety, or welfare of the residents of the city, town, village, or county and ordering the building or structure to be demolished and removed, or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town, village, or county, no order shall be issued;

(5) Provide that if the building commissioner or other designated officer or officers issue an order whereby the building or structure is demolished, secured, or repaired, or the property is cleaned up, the cost of performance shall be certified to the city clerk or officer in charge of finance, who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the city collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the city, town, village, or county and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in sections 429.010 to 429.360, RSMo. Except as provided in subsection 3 of this section, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. **A city not within a county or a city with a population of at least four hundred thousand located in more than one county, notwithstanding any charter provision to the contrary, may, by ordinance, provide that upon determination by the city that a public benefit will be gained the city may discharge the special tax bill, including the costs of tax collection, accrued interest and attorneys fees, if any.**

2. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, the ordinance may establish a procedure for the payment of up to twenty-five percent of the insurance proceeds, as set forth in this subsection. The order or ordinance shall apply only to a covered claim payment which is in excess of fifty percent of the face value of the policy covering a building or other structure:

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(1) The insurer shall withhold from the covered claim payment up to twenty-five percent of the covered claim payment, and shall pay such moneys to the city to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the order or ordinance;

(2) The city or county shall release the proceeds and any interest which has accrued on such proceeds received under subdivision (1) of this subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty days after receipt of such insurance moneys, unless the city or county has instituted legal proceedings under the provisions of subdivision (5) of subsection 1 of this section. If the city or county has proceeded under the provisions of subdivision (5) of subsection 1 of this section, all moneys in excess of that necessary to comply with the provisions of subdivision (5) of subsection 1 of this section for the removal, securing, repair and cleanup of the building or structure, and the lot on which it is located, less salvage value, shall be paid to the insured;

(3) If there are no proceeds of any insurance policy as set forth in this subsection, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be a lien on the property until paid;

(4) This subsection shall apply to fire, explosion, or other casualty loss claims arising on all buildings and structures;

(5) This subsection does not make the city or county a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

3. The governing body of any city not within a county and the governing body of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county may enact their own ordinances pursuant to section 67.400 and are exempt from subsections 1 and 2 of this section.

4. Notwithstanding the provisions of section 82.300, RSMo, any city may prescribe and enforce and collect fines and penalties for a breach of any ordinance enacted pursuant to section 67.400 or this section and to punish the violation of such ordinance by a fine or imprisonment, or by both fine and imprisonment. Such fine may not exceed one thousand dollars, unless the owner of the property is not also a resident of the property, then such fine may not exceed two thousand dollars.

5. The ordinance may also provide that a city not within a county or a city with a population of at least three hundred fifty thousand located in more than one county may seek to recover the cost of demolition prior to the occurrence of demolition, as described in this subsection. The ordinance may provide that if the building commissioner or other designated officer or officers issue an order whereby the building or structure is ordered to be demolished, secured or repaired, and the owner has been given an opportunity for a hearing to contest such order, then the building commissioner or other designated officer or officers may solicit no less than two independent bids for such demolition work. The amount of the lowest bid, including offset for salvage value, if any, plus reasonable anticipated costs of collection, including attorney's fees, shall be certified to the city clerk or

officer in charge of finance, who shall cause a special tax bill to be issued against the property owner to be prepared and collected by the city collector or other official collecting taxes. The municipal clerk or other officer in charge of finance shall discharge the special tax bill upon documentation by the property owner of the completion of the ordered repair or demolition work. Upon determination by the municipal clerk or other officer in charge of finance that a public benefit is secured prior to payment of the special tax bill, the municipal clerk or other officer in charge of finance may discharge the special tax bill upon the transfer of the property. The payment of the special tax bill shall be held in an interest-bearing account. Upon full payment of the special tax bill, the building commissioner or other designated officer or officers shall, within one hundred twenty days thereafter, cause the ordered work to be completed, and certify the actual cost thereof, including the cost of tax bill collection and attorney's fees, to the city clerk or other officer in charge of finance who shall, if the actual cost differs from the paid amount by greater than two percent of the paid amount, refund the excess payment, if any, to the payor, or if the actual amount is greater, cause a special tax bill or assessment for the difference against the property to be prepared and collected by the city collector or other official collecting taxes. If the building commissioner or other designated officer or officers shall not, within one hundred twenty days after full payment, cause the ordered work to be completed, then the full amount of the payment, plus interest, shall be repaid to the payor. Except as provided in subsection 2 of this section, at the request of the taxpayer the tax bill for the difference may be paid in installments over a period of not more than ten years. The tax bill for the difference from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.

**67.478. TITLE.**— Sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493 shall be known and may be cited as the "Community Comeback Act".

**67.481. DEFINITIONS.**— As used in sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493, the following terms mean:

(1) "Community comeback plan" and "plan", a comprehensive countywide plan adopted by the community comeback trust board and the governing body of the county that identifies potential areas for reinvestment, projects and strategies to promote neighborhood reinvestment throughout the county, and that clearly identifies on a map the priority comeback communities. The plan shall be a five-year strategic and operating plan, complete with goals, objectives, targets and mechanisms or methods of measuring accomplishments, revised annually;

(2) "Community comeback program", "community comeback trust" and "trust", a fund held in the treasury of the county which shall be the repository for all taxes and other moneys raised pursuant to sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493, and authorized by the governing body of the county for the purposes of promoting neighborhood reinvestment;

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- (3) "Community comeback program board", "community comeback trust board" and "board", the entity established pursuant to sections 67.478 to 67.493 that is responsible for administering the comeback community trust;
- (4) "Community comeback trust citizen advisory committee" and "advisory committee", an eleven-member committee established pursuant to sections 67.478 to 67.493 that is responsible for advising the community comeback fund board on the best methods of promoting neighborhood reinvestment;
- (5) "Eligible expenses", costs qualified for funding through the community comeback trust which are:
- (a) Incurred for the purchase, assembly, clearance, demolition and environmental remediation of land, structures and facilities, public or private, either as part of a neighborhood reinvestment project or to prepare sites for future use in areas with underutilized, derelict, economically challenged or environmentally troubled sites;
  - (b) Related to planning, redesign, clearance, reconstruction, structure rehabilitation, site remediation, construction, modification, expansion, remodeling, structural alteration, replacement or renovation of any structure in a priority comeback community;
  - (c) Expended for capital improvements or infrastructure improvements to facilitate economic development;
  - (d) Expended for residential redevelopment including, but not limited to, buyouts, land-assembly costs, infrastructure improvements and costs associated with preparing sites for housing construction; professional service expenses such as architectural, planning, engineering, design, marketing or other related expenses;
  - (e) Related to community improvement district or special business district expenses such as facade improvements, landscaping, street lighting, sidewalk construction, trash receptacles, park benches and other public improvements;
  - (f) Expenses related to facilitating transit- oriented developments, home improvement and home buyer loan programs; and
  - (g) Expenses eligible for funding through the select neighborhood action program;
- (6) "Neighborhood reinvestment project" and "project", the planning, development, redesign, clearance, reconstruction or rehabilitation or any combination thereof in order to improve those residential, commercial, industrial, public or other structures or spaces and the infrastructure serving them as may be appropriate or necessary in the interest of the general welfare;
- (7) "Petition", a petitioner's request for funding made to the community comeback trust;
- (8) "Petitioner", the governing body of any municipality, the governing body of the county, any land clearance for redevelopment authority within the county organized pursuant to chapter 99, RSMo, or any not-for- profit economic development organization with a governing board not less than two-thirds of the members of which are appointed by the chief elected official
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of the county or by one or more organizations with governing boards appointed by the chief elected official;

(9) "Priority comeback community", an area in a county which encompasses an entire United States census block group and has a median household income below the median household income for such entire county;

(10) "Priority comeback project", a funding proposal submitted to a community comeback trust by a petitioner whose area is substantially within a priority comeback community;

(11) "Proposal", a petitioner's funding request for the eligible expenses of a neighborhood reinvestment project submitted to a trust by a petitioner;

(12) "Select neighborhood action program" and "SNAP", a grant program, administered and funded pursuant to subsection 5 of section 67.490;

(13) "Select neighborhood action program applicant" and "SNAP applicant", a neighborhood organization or not-for-profit organization whose mission is consistent with the community comeback plan. The organization shall have a municipal sponsor or a county sponsor if the area is unincorporated. The organization shall have been in existence for at least six months and meet at least once a year in order to be eligible for a SNAP grant;

(14) "SNAP grant", an endowment of money by the board to a SNAP applicant pursuant to subsection 5 of section 67.490.

**67.484. ST. LOUIS COUNTY AUTHORIZED TO FORM COMMUNITY COMEBACK TRUST, PURPOSES, FORMATION — BOARD, COMPOSITION, NOMINATION, POWERS, DUTIES, RESTRICTIONS — FUNDING, LOCAL SALES TAX, BOND ISSUANCE, VALIDITY, PAYMENT. — 1.** A community comeback trust may be created, incorporated and managed pursuant to this section by any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants according to the last decennial census, and may exercise the powers given to such trust pursuant to sections 67.478 to 67.493. A trust may sue and be sued, issue general revenue bonds and receive county use tax revenue pursuant to the limitations of this section. A trust shall have as its primary duties the prevention of neighborhood decline, the demolition of old deteriorating and vacant buildings, rehabilitating historic structures, the cleaning of polluted sites and the promotion of neighborhood reinvestment where such investment is essential to reverse or stabilize a stagnant or declining pattern in household income, assessed values, occupancies and related characteristics.

2. The governing body of the county is hereby authorized to impose by ordinance a local use tax pursuant to sections 144.757 to 144.761, RSMo, for the purpose of funding the creation, operation and maintenance of a community comeback trust, as well as to provide revenue to the county and municipalities authorized to receive moneys generated by said tax pursuant to section 144.759, RSMo. The governing body of the county enacting such an ordinance shall submit to the voters of such county a proposal to approve its ordinance imposing the tax. Such ordinance shall become effective only after the majority of the voters voting on such ordinance approve such ordinance.

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The question shall be submitted to the voters in the county pursuant to section 144.757, RSMo.

3. (1) The community comeback trust board shall be composed of seven members as provided in this subsection. No member shall be an elected official, employee or contractor of the county or any municipality within the county or of any organization representing the county or any municipality within the county. Board members shall be citizens of the United States and shall reside within the county. No two members of the board shall be residents of the same county council district of such county. No member shall receive compensation for performance of board duties. No member shall be financially interested directly or indirectly in any contract entered into by the trust or by any petitioner. In the event that any property owned by a board member or the immediate family member of such board member is located in a priority comeback community, the member shall disclose such information to the board and abstain from any formal or informal actions regarding any project in that neighborhood.

(2) The chief elected official of any municipality wholly within the county and any member of the governing body of the county shall nominate individuals to serve on the board by providing a list of nominees to the county executive who shall appoint the members. Of the total members, at least four shall be residents of municipalities within the county and at least one shall have each of the following professions: a professional architect or engineer; an urban planner or design professional; a developer or builder; and an accountant or an attorney.

(3) The seat of a member shall be automatically vacated when the member changes his or her residence so as to no longer conform to the terms of the requirements of the member's appointment. The board shall promptly notify the county executive of such a change of residence, the pending expiration of any member's term, any member's need to vacate his or her seat or any vacancy on the board. A member whose term has expired shall continue to serve until the successor is appointed and qualified.

(4) Upon the passage of an ordinance by the governing body of the county establishing the community comeback trust, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected officials of each municipality wholly in the county.

(5) Each of the nominating authorities described in subdivision (2) of this subsection shall, within forty- five days of the passage of the ordinance establishing the board or within fourteen days of being notified of a board vacancy by the county executive, submit its list of nominees to the county executive. The county executive shall appoint members within sixty days of the passage of the ordinance or within thirty days of being notified by the board of a vacancy on the board. If a list of nominees is not submitted by the time specified, the county executive shall appoint the members using the criteria set forth in this section.

(6) At the first meeting of the board appointed after the effective date of the ordinance, the members shall choose by lot the length of their terms. Three shall serve for one year, two for two years, and two for three years. All succeeding members shall serve terms of three years. Terms shall end on December thirty-first of the respective year. No member shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

4. The board, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records pursuant to chapter 610, RSMo. The board shall enact and adopt all rules, regulations and procedures that are reasonably necessary to achieve the objectives of sections 67.478 to 67.493, and not inconsistent therewith, no sooner than twenty-seven calendar days after notifying all municipalities and the county of the proposed rule, regulation or procedure enactment or change. Notice may be given by ordinary mail, by electronic mail or by publishing in at least one newspaper of general circulation qualified to publish legal notices. No new or amended rule, regulation or procedure shall apply retroactively to any proposal pending before the trust without the agreement of the petitioner. The board shall have the exclusive control of the expenditures of all money collected to the credit of the trust, subject to annual appropriations by the governing body of the county. The county government shall provide the trust staff. No more than five percent of the trust's annual budget shall be used for the trust's annual administrative expenses.

5. The trust is authorized to issue bonds, notes or other obligations for any proposal, and to refund such bonds, notes or obligations, as provided in subsection 3 of this section; and to receive and liquidate property, both real and personal, or money which has been granted, donated, devised or bequeathed to the district. The trust shall not have any power of eminent domain.

6. (1) Bonds issued pursuant to this section shall be issued pursuant to a resolution adopted by five-sevenths of the board which shall set out the estimated cost to the trust of the proposed improvements, and shall further set out the amount of the bonds to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection with such bonds. Any such bonds may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(2) Notwithstanding the provisions of section 108.170, RSMo, such bonds shall bear interest at rate or rates determined by the trust, shall mature within a period not exceeding twenty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount of such bonds. Bonds issued by the trust shall possess all of the qualities of negotiable instruments pursuant to the laws of this state.

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(3) Such bonds may be payable to the bearer, may be registered or coupon bonds, and, if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing such bonds, which resolution may also provide for the exchange of registered and coupon bonds. Such bonds and any coupons attached thereto shall be signed in such manner and by such officers of the district as may be provided by the resolution authorizing the bonds. The trust may provide for the replacement of any bond which has become mutilated, destroyed or lost.

(4) Bonds issued by the trust shall be payable as to principal, interest and redemption premium, if any, out of all or any part of the trust fund, including revenues derived from use taxes. Neither the board members nor any person executing the bonds shall be personally liable on such bonds by reason of the issuance of such bonds. Bonds issued pursuant to this section shall not constitute a debt, liability or obligation of this state, or any political subdivision of this state, nor shall any such obligations be a pledge of the faith and credit of this state, but shall be payable solely from the revenues and assets held by the trust. The issuance of bonds pursuant to this section shall not directly, indirectly or contingently obligate this state or any political subdivision of this state to levy any form of taxation for such bonds or to make any appropriation for their payment. Each obligation or bond issued pursuant to this section shall contain on its face a statement to the effect that the trust shall not be obligated to pay such bond nor interest on such bond except from the revenues received by the trust or assets of trust lawfully pledged for such trust, and that neither the faith or credit nor the taxing power of this state or of any political subdivision of this state is pledged to the payment of the principal of or the interest on such obligation or bond. The proceeds of such bonds shall be disbursed in such manner and pursuant to such restrictions as the trust may provide in the resolution authorizing the issuance of such bonds.

(5) The trust may issue negotiable refunding bonds for the purpose of refunding, extending or unifying the whole or any part of such bonds then outstanding, or any bonds, notes or other obligations issued by any other public agency, public body or political subdivision in connection with any facilities or land to be acquired, leased or subleased by the trust, which refunding bonds shall not exceed the amount necessary to refund the principal of the outstanding bonds to be refunded and the accrued interest on such bonds to the date of such refunding, together with any redemption premium, amounts necessary to establish reserve and escrow funds and all costs and expenses incurred in connection with the refunding. The board shall provide for the payment of interest and principal of such refunding bonds in the same manner as was provided for the payment of interest and principal of the bonds refunded.

(6) In the event that any of the members or officers of the trust whose names appear on any bonds or coupons shall cease to be on the board or cease to be an officer before the delivery of such bonds, such signatures shall remain

valid and sufficient for all purposes, the same as if such board members or officers had remained in office until such delivery.

(7) The trust is hereby declared to be performing a public function and bonds of the trust are declared to be issued for an essential public and governmental purpose, and, accordingly, interest on such bonds and income from such bonds shall be exempt from income taxation by this state. All purchases in excess of ten thousand dollars shall be made pursuant to the lowest and best bid standard as provided in section 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided in section 34.042, RSMo. The board of the trust shall have the same discretion, powers and duties as the commissioner of administration has in sections 34.040 and 34.042, RSMo.

**67.487. COMMUNITY COMEBACK PLAN, NOTIFICATION, DEVELOPMENT, DISTRIBUTION, ANNUAL REVISION AND ADOPTION — REPORTS AND AUDITS REQUIRED — ADVISORY COMMITTEE TO BE ESTABLISHED BY THE BOARD. — 1.** Within fourteen days of the first meeting of the first board appointed following the effective date of the ordinance, the board shall notify by mail the chief elected officials of all municipalities wholly within the county, the chief elected official of the county and all the members of the governing body of the county of the requirement to conduct a planning process and adopt a community comeback plan.

2. The board shall solicit full citizen, county and municipal involvement in developing the plan. The board shall conduct public hearings throughout the county to seek input regarding the plan, and may convene meetings with the appropriate staff of the county and municipalities in order to seek input and to coordinate the logistics of producing the plan. A copy of the plan shall be sent to the chief elected official of every municipality wholly within the county, the chief elected official of the county and each member of the governing body of the county.

3. The board and the governing body of the county shall annually revise and adopt a plan.

4. Each plan shall include a map of the county, as well as a text enumerating the efforts expected each year in the various subregions of the county. Each plan shall address the factors that are causing or are likely to cause one or more of the following:

- (1) Assessed values below the county average;
  - (2) Median household incomes below the county median;
  - (3) An unemployment rate above the county average;
  - (4) A reduction in the number of jobs with an emphasis upon those jobs paying average or above average salaries;
  - (5) Failure to keep pace with the average growth rate in home values in the metropolitan area or county; and
  - (6) A high vacancy rate among residential, commercial and industrial properties.
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5. Each plan shall include an analysis of the condition of the housing stock in the various subregions of the county, a market analysis of the home-buying market with a focus on the impediments to attracting home buyers to those subregions and an analysis of the physical infrastructure needs that prevent economic growth.

6. The board may consider the following factors when determining the appropriate areas and strategies for investment:

(1) Buildings that are unsafe or unhealthy for occupancy due to code violations, dilapidation, defective design, faulty utilities or any other negative conditions;

(2) Factors that prevent or substantially hinder the economically viable use of buildings or lots, such as substandard design, inadequate size, lack of parking or any other conditions;

(3) Incompatible uses that prevent economic development;

(4) Subdivided lots of irregular form and shape and inadequate size for proper usefulness that have multiple ownership;

(5) Depreciated or stagnant property values, including properties that contain hazardous wastes;

(6) Abnormally high business vacancies, abnormally low lease rates, high turnover rates, abandoned buildings, or excessive vacant lots within an area developed for urban use and served by utilities;

(7) The existence of conditions that are not conducive to public safety; and

(8) The lack of necessary commercial facilities normally found in neighborhoods.

7. Each plan shall outline specific strategies to address the problems facing the various subregions and neighborhoods within the county. The plan shall also discuss the partnerships that can be made with federal, state and local governments, as well as businesses, labor organizations, nonprofit groups, religious and other groups and citizens to help implement the plan. These strategies shall include estimated costs and time lines for completion.

8. The board shall produce an annual report focusing on the accomplishments of the trust relative to the goals set forth in the plan, the goals for the next year and the challenges facing the trust. The annual report shall be given to the chief elected officials of all the municipalities wholly within the county, the chief elected official of the county, the members of the governing board of the county and the public libraries within the county, and shall be posted on the county Internet web site.

9. Every year, the board shall commission an independent financial audit, the report of which shall be distributed in the same manner as the annual report pursuant to subsection 8 of this section.

10. Every five years, the board shall commission an independent management audit. The management audit shall include a comprehensive analysis of development trends, factors and practices along with specific recommendations to improve the trust's ability to achieve its mission. The management audit shall be reviewed by the advisory committee which may

offer constructive advice on enhancing practices in order to achieve the goals of the program. The management audit shall be distributed in the same manner as the annual report pursuant to subsection 8 of this section. The board is authorized to take any necessary and proper steps to address the issues and recommendations contained within the management audit.

11. (1) The board shall establish an eleven member advisory committee that shall meet four times each year and shall advise petitioners, staff and the board. The advisory committee members shall be appointed by the county executive. At least six of the advisory committee's members shall be nominated by the municipal league within the county and at least three shall be nominated by the members of the governing body of the county. No advisory committee member shall receive compensation for performance of duties as a committee member.

(2) At least one of the advisory committee members shall be a university professor well-versed in regional development issues. At least two of the advisory committee members shall be municipal officials from communities that have undertaken redevelopment programs as part of larger planning efforts. At least one of the advisory committee members shall be an attorney with experience in redevelopment activities. At least two of the advisory committee members shall be residents of priority comeback communities who have been active in advocating effective redevelopment policies. At least one of the advisory committee members shall be a private professional familiar with the factors influencing business location decisions. At least one of the advisory committee members shall be an individual familiar with education and training practices and workforce needs, with an understanding of how labor availability impacts business location decisions. At least one of the advisory committee members shall be a planner from the private sector knowledgeable in the area of strategic planning and the principles of multiyear rolling plans.

(3) The advisory committee shall promptly notify the county executive of the pending expiration of any member's term or any vacancy on the advisory committee. A member whose term has expired shall continue to serve until his or her successor is appointed and qualified.

(4) The board shall establish the advisory committee by resolution at the board's first meeting. The board shall, within ten days of the passage of the resolution establishing the advisory committee, send by United States mail written notice of the passage of the resolution to the county's municipal league and the members of the governing body of the county. The municipal league and the members of the governing board of the county shall, within forty-five days of the passage of the resolution establishing the advisory committee or within fourteen days of being notified of a vacancy by the county executive, submit its list of nominees to the county executive. The county executive shall appoint members within sixty days of the passage of the resolution or within thirty days of being notified by the committee of a vacancy on the advisory committee. If a list of nominees is not submitted by the time specified, the county executive shall appoint the members using the criteria set forth in this

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section before the sixtieth day from the passage of the resolution or before the thirtieth day from being notified of a vacancy on the existing advisory committee.

(5) At the advisory committee's first meeting, the members shall choose by lot the length of their terms. Two shall serve for one year, three for two years, three for three years and three for four years. All succeeding committee members shall serve for four years. Terms shall end on December thirty-first of the respective year.

(6) The committee members shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records pursuant to chapter 610, RSMo.

**67.490. PETITIONS, CONTENTS, REVIEW, CRITERIA, APPROVAL BY BOARD AS PROPOSAL, PUBLIC HEARING — PROCEDURE IF FUNDS SOUGHT, ADDITIONAL REVIEW, FINDINGS BY BOARD REQUIRED WHEN — SELECT NEIGHBORHOOD ACTION PROGRAM, ELIGIBLE PROJECTS. — 1.** The board shall in a timely manner adopt rules setting forth basic guidelines for acceptance and evaluation of petitions, including a common understandable format, as well as appropriate supporting material, maps, plans and data. The board shall begin to accept petitions one month after the adoption of the plan by the governing body of the county pursuant to section 67.487. The board shall review all petitions submitted by any petitioner. Review shall begin no later than thirty days after submission of the petition to the commission. In order to qualify as a proposal, a petition shall address the criteria set forth in subsection 4 of this section. For the purposes of this subsection, the term "pending" means any proposal submitted to the board which has not yet been approved by the board.

2. When practical, a petition shall be initially submitted to the advisory committee for constructive review and comment in a manner likely to result in a proposal that addresses a strategy outlined in the plan.

3. The board shall hold a public hearing concerning the petition, which may be on the same day as a scheduled meeting of the board.

4. (1) In reviewing any petition for funding, the board shall first determine if funds are sought for eligible expenses for a neighborhood reinvestment project. If the petition seeks such funds, the board shall certify such petition as a proposal subject to further review unless the board finds that the petition seeks funds for expenses that do not qualify as eligible expenses, or seeks funds for an endeavor other than a neighborhood reinvestment project. If the board finds that funds are sought for ineligible expenses or for an ineligible endeavor, the board need not take any further action and shall notify the petitioner in writing of all deficiencies that prevent the petition from being a proposal. If the board determines that there is a minor error or discrepancy in a petition, the board, with the petitioner's concurrence, may make such changes to the petition as are necessary to rectify the error that prevents the petition from being certified as a proposal subject to further review. Within six months of certification of a petition as a

proposal, the board shall issue a finding approving or disapproving such proposal. In disapproving any proposal, the board shall issue a document indicating the reasons that the proposal was disapproved.

(2) If the board determines that a proposal is a priority comeback project consistent with the strategies and priorities set forth in the community comeback plan and that the project is well planned, realistic, creative, resourceful, benefits the local community and is cost-effective, then the board shall award funding. If the board determines that a proposal is a priority comeback project, but is inconsistent with the strategies and priorities in the community comeback plan, the board may award funding if it finds that the project is well planned, realistic, creative, resourceful, benefits the local community, is cost-effective and addresses the reinvestment needs of neighborhoods by one or more of the following:

- (a) Reducing or removing impediments to attracting home buyers;
- (b) Providing the necessary physical infrastructure needed to promote significant job growth;
- (c) Reducing or removing any such factor or factors that constitute an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use.

(3) If the board determines that a proposal, which is not a priority comeback project, is consistent with the strategies and priorities set forth in the community comeback plan and is well planned, realistic, creative, resourceful, benefits the local community and is cost-effective, the board may award funding if the board adds such proposal to the plan. If the board determines that a proposal, which is not a priority comeback project, is inconsistent with the strategies and priorities in the community comeback plan, the board may award funding if it finds that the project is well planned, realistic, creative, resourceful, benefits the local community, is cost-effective and addresses the reinvestment needs of neighborhoods by one or more of the following:

- (a) Reducing or removing impediments to attracting home buyers;
- (b) Providing the necessary physical infrastructure needed to promote significant job growth;
- (c) Reducing or removing any such factor or factors that constitute an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use.

(4) The board, the advisory committee and the staff of both may advise petitioners on issues related to petitions or proposals. The board may meet informally, subject to the requirements of chapter 610, RSMo, with representatives of potential petitioners with regard to future petitions and plans.

5. The board shall establish a select neighborhood action program. SNAP applicants shall provide a ten- percent cash or in-kind match to be eligible for a SNAP grant. Project categories eligible for SNAP grant funding shall be:

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(1) Neighborhood beautification projects which enhance the appearance of the overall neighborhood. Such projects include, but are not limited to, tree and flower plantings, cleanups, entranceway landscaping, community gardens, public art and neighborhood identification signs/banners;

(2) Neighborhood organization or capacity projects which create or increase membership in a neighborhood organization promoting community betterment. Such projects include, but are not limited to, neighborhood newsletters, neighborhood marketing brochures, neighborhood meetings and special events, and technology such as web site development;

(3) Neighborhood-school partnership projects which benefit a school and the adjacent neighborhood. Involvement of both the school and the neighborhood in planning, implementation and maintenance must be substantiated. Partnership projects include, but are not limited to, youth and community programs that promote safety, culture or the environment and that are beneficial to both the school and the neighborhood;

(4) Capital purchase projects which include the acquisition of equipment or property. Such projects include, but are not limited to, land acquisition, playground equipment, bicycle racks and major supplies;

(5) Neighborhood improvement projects which benefit the local infrastructure in a neighborhood, and include construction of sidewalks or installation of street lights.

6. Project categories ineligible for SNAP grant funding shall be:

(1) Projects accomplished in more than twelve months;

(2) Projects that duplicate existing private or public programs;

(3) Projects that require ongoing services, or requests to support continual operating budgets; and

(4) Projects that conflict with the community comeback plan.

7. When making SNAP grant funding decisions, the board shall consider the level of neighborhood participation including the percentage of residents who are involved in planning and implementing the idea, the diversity of parties involved or that will benefit, and the amount of neighborhood opposition; the community benefit of the project, including the number of people who will benefit from the project and the overall quality of the project.

**67.493. FUNDS, MINIMUM TO BE USED FOR SNAP GRANT PROGRAM AND PRIORITY COMEBACK PROJECTS, OTHER USES.** — Of the funds available to the trust, a minimum of five percent of the funds, not to exceed an unallocated balance of five hundred thousand dollars rolled over from the previous fiscal year, shall be set aside annually for the SNAP grant program. Of the remaining funds seventy-five percent calculated on a rolling three-year average shall be set aside for priority comeback projects. The balance of the funds shall be used to indirectly or directly benefit priority comeback communities or residents of those areas by utilizing such funds to:

(1) Promote job preparation and job creation in areas easily accessed by residents of priority comeback communities;

(2) **Improve neighborhoods adjacent to priority comeback communities that are unlikely to be improved without such funding; and**

(3) **Abate through low-interest home improvement loan programs or similar mechanisms the functional or marketable obsolescence of any owner-occupied residential structure over twenty-five years old which is located within a census block group below one hundred ten percent of the median income level for the metropolitan statistical area for this state; provided that, there is a significant threat of economic decline within the area without intervention by the trust.**

**67.1062. DEFINITIONS.** — As used in sections 67.1062 to 67.1071, unless the context clearly requires otherwise, the following words and phrases mean:

(1) "Agency", an entity which provides housing-related assistance to homeless persons **or the repair or replacement of housing structures which are in violation of the county housing code, and shall include not-for-profit housing partnerships as defined in 24 CFR Part 92 or successor regulations;**

(2) "City", any city not within a county;

(3) "County", a county of the first class having a charter form of government;

(4) "Designated authority", the board, commission, agency, or other body designated under the provisions of section 67.1065 as the authority to administer the allocation and distribution of funds to agencies;

(5) "Homeless", an involuntary state characterized by a lack of **habitable** housing or shelter.

**67.1063. GOVERNING BODY OF COUNTY MAY ESTABLISH PROGRAM OF ASSISTANCE FOR HOMELESS — FINANCING BY ADDITIONAL USER FEES FOR RECORDING INSTRUMENTS, VOTER APPROVAL REQUIRED.** — 1. The governing body of the county may provide for a program of assistance to homeless persons, **including the repair or replacement of housing structures which are in violation of the county housing code,** as provided by sections 67.1062 to 67.1071. The governing body is hereby authorized to impose by order or ordinance the fee provided by subsection 2 **or 3** of this section in order to finance this program.

2. In addition to the fees imposed in section 59.319, RSMo, a user fee of three dollars shall be charged and collected on all instruments recorded with the recorder of deeds, over and above any other fees required by law, as a condition precedent to the recording of any instrument, but such fee shall not become effective unless the governing body of the county submits to the voters of the county a proposal to authorize the county to impose such fee and a majority of the votes cast on the proposal are in favor of the proposal.

3. **In addition to the fees imposed in section 59.319, RSMo, and in subsection 2 of this section, in any county with a population over nine hundred thousand, a user fee of three dollars shall be charged and collected on all instruments recorded with the recorder of deeds, over and above any other fees required by law, as a condition precedent to the recording of any instrument, but such fee shall not become effective unless the governing body of the county submits to the voters of the county a proposal to authorize the**

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county to impose such fee and a majority of the votes cast on the proposal are in favor of the proposal. If the proposal is approved, the fee shall be forwarded to the executive of the county for distribution to any agency, as defined in section 67.1062, which renovates or rehabilitates housing structures for the purpose of sale at market rates to market rate buyers.

**67.1401. COMMUNITY IMPROVEMENT DISTRICT ACT, DEFINITIONS.**— 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the "Community Improvement District Act".

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) "Assessed value", the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) "Blighted area", an area which:

(a) By reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use; or

(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections 99.300 to 99.715, RSMo;

(4) "Board", if the district is a political subdivision, the board of directors of the district, or if the district is a not for profit corporation, the board of directors of such corporation;

(5) "Director of revenue", the director of the department of revenue of the state of Missouri;

(6) "District", a community improvement district, established pursuant to sections 67.1401 to 67.1571;

(7) "Election authority", the election authority having jurisdiction over the area in which the boundaries of the district are located pursuant to chapter 115, RSMo;

(8) "Municipal clerk", the clerk of the municipality;

(9) "Municipality", any city located in a county of the first classification or second classification, any city not within a county and any county;

(10) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) "Owner", for real property, the individual or individuals or entity or entities who own the fee of real property or their legally authorized representative;

for business organizations and other entities, the owner shall be deemed to be the individual which is legally authorized to represent the entity in regard to the district;

(12) "Per capita", one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety or tenants in partnership;

(13) "Petition", a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) "Qualified voters",

(a) For purposes of elections for approval of real property taxes:

[(a)] **a.** Registered voters; or

[(b)] **b.** If no registered voters reside in the district, the [owner] **owners of one or more parcels of real property [per capita] which is to be subject to such real property taxes and is** located within the district per the tax records **for real property** of the county clerk, or the collector of revenue if the district is located in a city not within a county, [for real property] as of the thirtieth day prior to the date of the applicable election; [and]

**(b) For purposes of elections for approval of business license taxes or sales taxes:**

**a.** Registered voters; or

**b.** If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the tax records for real property of the county clerk as of the thirtieth day before the date of the applicable election; and

(c) For purposes of the election of directors of the board, registered voters and owners of real property **which is not exempt from assessment or levy of taxes by the district and which is located** within the district per the tax records **for real property** of the county clerk, or the collector of revenue if the district is located in a city not within a county, [for real property as] of the thirtieth day prior to the date of the applicable election; and

(15) "Registered voters", persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election authority as of the thirtieth day prior to the date of the applicable election.

**67.1461. POWERS OF DISTRICT — REIMBURSEMENT OF MUNICIPALITY — LIMITATIONS.** — 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

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- (2) To sue and be sued;
  - (3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;
  - (4) To accept grants, guarantees and donations of property, labor, services or other things of value from any public or private source;
  - (5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting or other assistance as it deems advisable;
  - (6) To acquire by purchase, lease, gift, grant, bequest, devise or otherwise, any real property within its boundaries, personal property or any interest in such property;
  - (7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate or otherwise encumber or dispose of any real or personal property or any interest in such property;
  - (8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100, RSMo. Those exempt pursuant to subdivision (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;
  - (9) If the district is a political subdivision, to levy real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2) and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;
  - (10) **If the district is a political subdivision in a city with a population of at least four hundred thousand located in more than one county, to levy sales taxes pursuant to sections 67.1401 to 67.1571;**
  - (11) To fix, charge and collect fees, rents and other charges for use of any of the following:
    - (a) The district's real property, except for public rights-of-way for utilities;
    - (b) The district's personal property, except in a city not within a county; or
    - (c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;
  - [(11)] (12) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;
  - [(12)] (13) To loan money as provided in sections 67.1401 to 67.1571;
  - [(13)] (14) To make expenditures, create reserve funds and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;
  - [(14)] (15) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or demolition
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and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

[(15)] (16) Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:

- (a) Pedestrian or shopping malls and plazas;
- (b) Parks, lawns, trees and any other landscape;
- (c) Convention centers, arenas, aquariums, aviaries and meeting facilities;
- (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems and other site improvements;
- (e) Parking lots, garages or other facilities;
- (f) Lakes, dams and waterways;
- (g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls and barriers;
- (h) Telephone and information booths, bus stop and other shelters, rest rooms and kiosks;
- (i) Paintings, murals, display cases, sculptures and fountains;
- (j) Music, news and child-care facilities; and
- (k) Any other useful, necessary or desired improvement;

[(16)] (17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks and other real property and improvements located within its boundaries for public use;

[(17)] (18) Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks and tunnels and to provide the means for access by emergency vehicles to or in such areas;

[(18)] (19) Within its boundaries, to operate or to contract for the provision of music, news, child-care or parking facilities, and buses, minibuses or other modes of transportation;

[(19)] (20) Within its boundaries, to lease space for sidewalk café tables and chairs;

[(20)] (21) Within its boundaries, to provide or contract for the provision of security personnel, equipment or facilities for the protection of property and persons;

[(21)] (22) Within its boundaries, to provide or contract for cleaning, maintenance and other services to public and private property;

[(22)] (23) To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events and furnishing music in any public place;

[(23)] (24) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

[(24)] (25) To provide or support training programs for employees of businesses within the district;

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[(25)] (26) To provide refuse collection and disposal services within the district;

[(26)] (27) To contract for or conduct economic, planning, marketing or other studies; and

[(27)] (28) To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct or rehabilitate any building or structure owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.

**67.1545. SALES AND USE TAX AUTHORIZED IN CERTAIN DISTRICTS (KANSAS CITY) — PROCEDURE TO ADOPT, BALLOT LANGUAGE, IMPOSITION AND COLLECTION BY RETAILERS — PENALTIES FOR VIOLATIONS — DEPOSIT INTO TRUST FUND, USE — REPEAL. — 1. Any district in a city with a population of at least four hundred thousand located in more than one county may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors and sales to public utilities. Any sales and use tax imposed pursuant to this section may be imposed at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, one-half of one percent or one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no**

resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail- in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the ..... (insert name of district) Community Improvement District impose a community improvement district-wide sales and use tax at the maximum rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of the purpose)?

YES

NO

If you are in favor of the question, place an "X" in the box opposite of "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.097, RSMo, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

4. The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087, RSMo.

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285, RSMo.

7. The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to violations of this section.

8. All revenue received by the district from a sales and use tax imposed pursuant to this section which are designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

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9. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

**67.1850. GEOGRAPHICAL INFORMATION SYSTEM MAY BE CREATED (GREENE COUNTY OR SPRINGFIELD), PURPOSE, OPEN RECORDS POLICY, FEES FOR INFORMATION, LICENSING, LIABILITY. — 1. As used in this section, the following terms mean:**

- (1) "Community", any municipality or county as defined in this section;
- (2) "County", any county of the first classification without a charter form of government and a population of at least two hundred thousand inhabitants and containing a city with a population of at least one hundred forty-four thousand but not more than three hundred thousand inhabitants;
- (3) "Geographical information system", a computerized, spatial coordinate mapping and relational database technology which:
  - (a) Captures, assembles, stores, converts, manages, analyzes, amalgamates and records, in the digital mode, all kinds and types of information and data;
  - (b) Transforms such information and data into intelligence and subsequently retrieves, presents and distributes that intelligence to a user for use in making the intelligent decisions necessary for sound management;
- (4) "Municipality", any city with a population of at least one hundred forty-four thousand but not more than three hundred thousand inhabitants and located in a county of the first classification without a charter form of government and a population of at least two hundred thousand inhabitants.

2. The development of geographical information systems has not been undertaken in any large-scale and useful way by private enterprise. The use of modern technology can enhance the planning and decision-making processes of communities. The development of geographical information systems is a time consuming and expensive activity. In the interest of maintaining community governments open and accessible to the public, information gathered by communities for use in a geographical information system, unless properly made a closed record, should be available to the public. However, access to the information in a way by which a person could render the investment of the public in a geographical information system a special benefit to that person, and not to the public, should not be permitted.

3. Any community as defined in this section may create a geographical information system for the community. The scope of the geographical information system shall be determined by the governing body of the community. The method of creation, maintenance, use and distribution of the geographical information system shall be determined by the governing body of the community. A community shall not mandate the use of this system or allocate the costs of the system to nonusers.

4. The information collected or assimilated by a community for use in a geographical information system shall not be withheld from the public, unless otherwise properly made a closed record of the community as provided by section 610.021, RSMo. The information collected or assimilated by a community for use in a geographical information system need not be disclosed in a form which may be read or manipulated by computer, absent a license agreement between the community and the person requesting the information.

5. Information collected or assimilated by a community for use in a geographical information system and disclosed in any form, other than in a form which may be read or manipulated by computer, shall be provided for a reasonable fee, as established by section 610.026, RSMo. A community maintaining a geographical information system shall make maps and other products of the system available to the public. The cost of the map or other product shall not exceed a reasonable fee representing the cost to the community of time, equipment and personnel in the production of the map or other product. A community may license the use of a geographical information system. The total cost of licensing a geographical information system may not exceed the cost, as established by section 610.026, RSMo, of the:

- (1) Cost to the community of time, equipment and personnel in the production of the information in a geographical information system or the production of the geographical information system; and
- (2) Cost to the community of the creation, purchase, or other acquisition of the information in a geographical information system or of the geographical information system.

6. The provisions of this section shall not hinder the daily or routine collection of data, as defined in section 569.093, RSMo, from the geographical information system by real estate brokers and agents, title collectors, developers, surveyors, utility companies, banks, news media or mortgage companies, nor shall the provisions allow for the charging of fees for the collection of such data exceeding that allowed pursuant to section 610.026, RSMo. The provisions of this section, however, shall allow a community maintaining a geographical information system to license and establish costs for the use of the system's computer program and computer software, as defined in section 569.093, RSMo.

7. A community distributing information used in a geographical information system or distributing a geographical information system shall not be liable for any damages which may arise from any error which may exist in the information or the geographical information system.

**71.014. ANNEXATION BY CERTAIN CITIES UPON REQUEST OF ALL PROPERTY OWNERS IN AREA ANNEXED.**—Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of [nine hundred thousand] **six hundred fifty thousand**, proceeding as otherwise authorized by law or charter, may annex

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unincorporated areas which are contiguous and compact to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed.

**72.424. OWNERS OF CERTAIN TRACTS OF LAND LOCATED IN CERTAIN CITIES (INCLUDING EUREKA AND WILDWOOD) MAY, BY AGREEMENT, CHOOSE TO JOIN ONE OR THE OTHER, PROCEDURE — TERMINATION DATE.**— Notwithstanding any other provisions of sections 72.400 to [72.422] **72.423**, any owner of a tract of land of thirty acres or less owned by a single owner and that is located within two or more municipalities, one municipality being a city of the fourth classification with a population between four thousand six hundred and five thousand, and the other municipality being [of the third classification] **a constitutional charter city** with a population between sixteen thousand three hundred and seventeen thousand, and both municipalities located within a county of the first classification having a charter form of government and having a minimum population of nine hundred thousand, may elect which municipality to belong to by agreement of that municipality. Such owner's election shall occur within ninety days of August 28, [1999] **2000**. Such agreement shall consist of the enactment by the governing body of the receiving municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. A copy of said ordinance shall be mailed to the county clerk and to the city clerk and assessor of the contributing municipality before December fifteenth, with such transfer becoming effective the next January first. Such choice of municipalities shall be permanent. Thereafter, all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. This section shall only apply to boundary changes effected after January 1, 1990, and occurring by the incorporation of a municipality. This section shall expire and be of no force and effect on March 1, [2000] **2001**.

**82.300. CERTAIN CITIES MAY ENACT ORDINANCES, PURPOSES, PUNISHMENTS (INCLUDING KANSAS CITY).**— 1. Any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county may enact all needful ordinances for preserving order, securing persons or property from violence, danger and destruction, protecting public and private property and for promoting the general interests and ensuring the good government of the city, and for the protection, regulation and orderly government of parks, public grounds and other public property of the city, both within and beyond the corporate limits of such city; and to prescribe and impose, enforce and collect fines, forfeitures and penalties for the breach of any provisions of such ordinances and to punish the violation of such ordinances by fine or imprisonment, or by both fine and imprisonment; but no fine shall exceed five hundred dollars nor imprisonment exceed twelve months for any such offense, except as provided in subsection 2 of this section.

2. Any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county which operates a publicly

owned treatment works in accordance with an approved pretreatment program [under] **pursuant to** the federal Clean Water Act, 33 U.S.C. 1251, et seq. and chapter 644, RSMo, may enact all necessary ordinances which require compliance by an industrial user with any pretreatment standard or requirement. Such ordinances may authorize injunctive relief or the imposition of a fine of at least one thousand dollars but not more than five thousand dollars per violation for noncompliance with such pretreatment standards or requirements. For any continuing violation, each day of the violation shall be considered a separate offense.

**3. Any city with a population of more than four hundred thousand inhabitants may enact all needful ordinances to protect public and private property from illegal and unauthorized dumping and littering, and to punish the violation of such ordinances by a fine not to exceed one thousand dollars or by imprisonment not to exceed twelve months for each offense, or by both such fine and imprisonment.**

**82.1050. LANDLORDS IN CERTAIN CITIES REQUIRED TO REGISTER WITH CITY TO ENSURE SAFETY AND CODE REGULATION COMPLIANCE, REQUIRED INFORMATION — EXPIRATION DATE (INCLUDING KANSAS CITY AND ST. LOUIS).**

**— 1. Beginning January 1, 2001, any landlord who leases real property located in any city with a population of more than four hundred thousand inhabitants shall submit a registration form to the governing body of such city pursuant to this section.**

**2. The registration form shall be developed by the governing body of such city and shall contain:**

**(1) The name, personal address, business address and telephone numbers of the landlord;**

**(2) The address of each property located in the city that is owned and leased by the landlord; and**

**(3) The name, address and phone number of a person who will serve as a legal representative of the landlord for purposes of receiving public safety violations, code violations or other violations of any kind involving the property listed pursuant to subdivision (2) of this subsection. In the event no legal representative is named pursuant to this subdivision, the landlord shall serve as his or her own legal representative for purposes of this subdivision.**

**3. The city shall compile the registration forms submitted pursuant to this section for the purposes of ensuring greater efficiency in compliance with, and enforcement of, local public safety and code regulations. On or before July 1, 2002, and on or before every July first thereafter, the city shall issue a report to the governor, the speaker of the house of representatives and the president pro tempore of the senate as to the effectiveness of the compilation of the forms in ensuring greater efficiency in compliance with, and enforcement of, public safety and code regulations.**

**4. This section shall be of no force and effect on or after January 1, 2006.**

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**92.031. ANNUAL TAX FOR DEBT SERVICE, RATE — (KANSAS CITY).— 1.**

Such cities may, in the alternative **to imposing the levies for debt service and for capital improvements and operating expenses for hospital, public health, recreation grounds and museum purposes as provided for in section 92.030,** elect by ordinance to levy and impose an annual tax for debt service [which tax levy shall be in addition to and independent of the] **and an annual** tax [levy] for capital improvements and operating expenses for hospital, public health, recreation grounds and museum purposes [provided for] **such as are referred** in subdivisions (1), (2) and (3) of subsection 2 of section 92.030, **which tax levies shall be independent of the other tax levies provided for in section 92.030.**

2. In the event such cities make such election, the **limits on individual and total annual** tax levy rate [for debt service] referred to in subdivisions (1), (2) and (3) of subsection 2 of section 92.030 [shall be treated as zero for the purpose of calculating the additional tax levy rate authorized] **for debt service and** for capital improvements and operating expenses for hospital, public health, recreation grounds and museum purposes **shall not apply.** [Such authorized] **The tax levy rate for capital improvements and operating expenses for hospital, public health, recreation grounds and museum purposes** may be increased from its current rate to a rate not to exceed one dollar per hundred dollars assessed valuation by submission to and approval by a vote of the people.

**99.053. APPOINTMENT OF ADDITIONAL HOUSING COMMISSIONER**

**AUTHORIZED WHERE NECESSARY TO COMPLY WITH FEDERAL LAW.— 1.**

**Notwithstanding any provision of section 99.050 to the contrary regarding the number of housing commissioners, in any political subdivision except those described in subsection 2 of this section, a sixth housing commissioner may be appointed. Such a commissioner may be appointed, in the same manner as other appointees pursuant to section 99.050, if the housing authority determines that such a commissioner is needed to fulfill any federal requirement stating that at least one person who receives direct assistance from the housing authority shall serve as a commissioner. Any commissioner appointed to serve as a commissioner for the purposes of meeting the requirement of having a person who is directly assisted by the housing authority shall forfeit such appointment if that person:**

- (1) Ceases to meet the requirements of housing commissioners pursuant to section 99.050; or**
- (2) Ceases receiving direct assistance from the housing authority for which he or she is a commissioner.**

**2. The provisions of this section shall not apply to those housing authorities:**

- (1) Located within a city not within a county;**
- (2) Located within a city with a population of over four hundred thousand inhabitants;**
- (3) Which are exempted, pursuant to federal law or regulation, from any federal requirement stating that at least one person who receives direct assistance from the housing authority shall serve as a commissioner.**

**100.331. COMMISSIONERS, NUMBER REDUCED, APPOINTMENT, TERMS, QUALIFICATIONS, VACANCIES — CONSOLIDATION PLAN AUTHORIZED (ST. LOUIS CITY).— 1.** Notwithstanding the provisions of section 100.330 or any other provision of law to the contrary, beginning August 28, 2000, the number of commissioners in any city not within a county shall be five; provided that, by the process of attrition the number of commissioners shall be reduced from fifteen to five by the expiration of the terms of currently serving commissioners and nonreplacement of any vacancies. Commissioners shall be appointed for a term of four years each. All commissioners shall be appointed by the mayor of any such city, shall be taxpayers of the city, and shall have resided in the city for five years immediately prior to their appointment. All vacancies shall be filled by the mayor of the city for the unexpired term, subsequent to the time the number of commissioners is reduced to five by attrition.

**2.** At any time, the governing body of a city not within a county may adopt a plan of consolidation to combine the planned industrial expansion authority of such city with the land reutilization authority of such city.

**135.355. ELIGIBILITY STATEMENT MUST BE FILED WITH TAX RETURN, FAILURE TO COMPLY, EFFECT — FEDERAL REQUIREMENT TO RECAPTURE, STATE REQUIRES TO RECAPTURE, AMOUNT.— 1.** The owner of a qualified Missouri project eligible for the Missouri low-income housing tax credit shall submit, at the time of filing the owner's return, an eligibility statement. In the case of failure to attach the eligibility statement, no credit under this section shall be allowed with respect to such project for that year until these copies are provided to the department of revenue.

**2.** If under section 42 of the 1986 Internal Revenue Code, as amended, a portion of any federal low-income housing credits taken on a low-income project is required to be recaptured **only during the first ten years after a project is placed in service**, the taxpayer claiming state credits with respect to such project shall also be required to recapture a portion of any state credits authorized by this section. The state recapture amount shall be equal to the proportion of the state credit claimed by the taxpayer that equals the proportion the federal recapture amount bears to the original federal low-income housing credit amount subject to recapture.

**135.481. TAXPAYERS INCURRING ELIGIBLE COSTS ENTITLED TO TAX CREDIT, AMOUNT, QUALIFICATIONS.— 1. (1)**

Any taxpayer who incurs eligible costs for a new residence located in a distressed community or within a census block group as described in subdivision (10) of section 135.478, **or for a multiple unit condominium described in subdivision (2) of this subsection**, shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed forty thousand dollars per new residence in any ten-year period.

**(2) For the purposes of this section, a multiple unit condominium is one that is intended to be owner occupied, which is constructed on property subject to an industrial development contract as defined in section 100.310,**

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**RSMo, and which lies within an area with a city zoning classification of urban redevelopment district established after January 1, 2000, and before December 31, 2001, and which is constructed in connection with the qualified rehabilitation of a structure more than ninety years old eligible for the historic structures rehabilitation tax credit described in sections 253.545 to 253.559, RSMo, and is under way by January 1, 2000, and completed by January 1, 2002.**

2. Any taxpayer who incurs eligible costs for a new residence located within a census block as described in subdivision (6) of section 135.478 shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed twenty-five thousand dollars per new residence in any ten-year period.

3. Any taxpayer who is not performing substantial rehabilitation and who incurs eligible costs for rehabilitation of an eligible residence or a qualifying residence shall receive a tax credit equal to twenty-five percent of such costs against his or her tax liability. The minimum eligible costs for rehabilitation of an eligible residence shall be ten thousand dollars. The minimum eligible costs for rehabilitation of a qualifying residence shall be five thousand dollars. The tax credit shall not exceed twenty-five thousand dollars in any ten-year period.

4. Any taxpayer who incurs eligible costs for substantial rehabilitation of a qualifying residence shall receive a tax credit equal to thirty-five percent of such costs against his or her tax liability. The minimum eligible costs for substantial rehabilitation of a qualifying residence shall be ten thousand dollars. The tax credit shall not exceed seventy thousand dollars in any ten-year period.

5. A taxpayer shall be eligible to receive tax credits for new construction or rehabilitation pursuant to only one subsection of this section.

6. No tax credit shall be issued pursuant to this section for any structure which is in violation of any municipal or county property, maintenance or zoning code.

7. No tax credit shall be issued pursuant to sections 135.475 to 135.487 for the construction or rehabilitation of rental property.

**139.053. PROPERTY TAXES, HOW PAID — ESTIMATES — INTEREST — REFUNDS.** — 1. The governing body of any county, excluding township counties, may by ordinance or order provide for the payment of all or any part of current real and personal property taxes which are owed, at the option of the taxpayer, on an annual, semiannual or quarterly basis at such times as determined by such governing body.

2. The ordinance shall provide the method by which the amount of property taxes owed for the current tax year in which the payments are to be made shall be estimated. The collector shall submit to the governing body the procedures by which taxes will be collected pursuant to the ordinance or order. The estimate shall be based on the previous tax year's liability. A taxpayer's payment schedule shall be based on the estimate divided by the number of pay periods in which payments are to be made. The taxpayer shall at the end of the tax year pay any amounts owed in excess of the estimate for such year. The county shall at the end of the tax year

refund to the taxpayer any amounts paid in excess of the property tax owed for such year. No interest shall be paid by the county on excess amounts owed to the taxpayer. Any refund paid the taxpayer pursuant to this subsection shall be an amount paid by the county only once in a calendar year.

3. If a taxpayer fails to make an installment payment of a portion of the real or personal property taxes owed to the county, then such county may charge the taxpayer interest on the [entire] amount of [such] property taxes **still** owed for that year.

4. Any governing body enacting the ordinance or order specified in this section shall first agree to provide the county collector with reasonable and necessary funds to implement the ordinance or order.

**140.110. COLLECTION OF BACK TAXES, PAYMENTS APPLIED, HOW, EXCEPTIONS — REMOVAL OF LIEN.** — 1. The collectors of the respective counties shall collect the taxes contained in the back tax book. Any person interested in or the owner of any tract of land or lot contained in the back tax book may redeem the tract of land or town lot, or any part thereof, from the state's lien thereon, by paying to the proper collector the amount of the original taxes, as charged against the tract of land or town lot described in the back tax book together with interest from the day upon which the tax first became delinquent at the rate specified in section 140.100.

2. Any payment for personal [or real] property taxes received by the county collector shall first be applied to any back delinquent personal taxes [and to each individual parcel of real estate] on the back tax book before a county collector accepts any payment for all or any part of [real or] personal property taxes due and assessed on the current tax book.

**3. Any payment for real property taxes received by the county collector shall first be applied to back delinquent taxes on the same individual parcel of real estate on the back tax book before a county collector accepts payment for real property taxes due and assessed on the current tax book.**

**4. Subsection 3 of this section shall not apply to payment for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations which they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal Regulations.**

**140.160. LIMITATION OF ACTIONS, EXCEPTIONS — COUNTY AUDITOR TO FURNISH DELINQUENT TAX LIST.** — 1. No proceedings for the sale of land and lots for delinquent taxes [under the provisions of] **pursuant to** this chapter, relating to the collection of delinquent and back taxes and providing for foreclosure sale and redemption of land and lots therefor, shall be valid unless initial proceedings therefor shall be commenced within three years after delinquency of such taxes, and any sale held pursuant to initial proceedings commenced within such period of three years shall be deemed to have been in compliance with the provisions of said law insofar as the time at which such sales are to be had is specified therein; provided further, that in suits or actions to collect delinquent drainage and/or levee assessments on real estate such suits or actions shall be commenced within three

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years after delinquency, otherwise no suit or action therefor shall be commenced, had or maintained, **except that the three-year limitation described in this subsection shall not be applicable if any written instrument conveys any real estate having a tax-exempt status, if such instrument causes such real estate to again become taxable real property and if such instrument has not been recorded in the office of the recorder in the county in which the real estate has been situated. Such three-year limitation shall only be applicable once the recording of the title has occurred.**

2. In order to enable county and city collectors to be able to collect delinquent and back taxes, the county auditor in all counties having a county auditor shall annually audit and list all delinquent and back taxes and provide a copy of such audit and list to the county collector and to the governing body of the county. A copy of the audit and list may be provided to city collectors within the county at the discretion of the county collector.

**141.220. DEFINITIONS (FIRST CLASS CHARTER COUNTIES, AND CLAY AND BUCHANAN COUNTIES).**— The following words, terms and definitions, when used in sections 141.210 to 141.810, shall have the meanings ascribed to them in this section, except where the text clearly indicates a different meaning:

(1) "Appraiser" shall mean [an independent] **a state licensed or certified** appraiser not an employee of the collector or collection authority;

(2) "Collector" shall mean the collector of the revenue in any county affected by sections 141.210 to 141.810;

(3) "County" shall mean any county of **the first class** [one] in this state **having a charter form of government**, [except counties] **any county** of the first class not having a charter form of government[, which is now operating under the provisions of sections 141.210 to 141.810, or which may hereafter elect to do so in accordance with the provisions of section 141.230] **with a population of at least one hundred fifty thousand but less than one hundred sixty thousand and any county of the first class not having a charter form of government with a population of at least eighty-two thousand but less than eighty-five thousand;**

(4) "Court" shall mean the circuit court of any county affected by sections 141.210 to 141.810;

(5) "Delinquent land tax attorney" shall mean a licensed attorney at law, employed or designated by the collector as hereinafter provided;

(6) "Land taxes" shall mean taxes on real property or real estate and shall include the taxes both on land and the improvements thereon;

(7) "Land trustees" and "land trust" shall mean the land trustees and land trust as the same are created by and described in section 141.700;

(8) "Municipality" shall include any incorporated city or town, or a part thereof, located in whole or in part within a county of class one, which municipality now has or which may hereafter contain a population of two thousand five hundred inhabitants or more, according to the last preceding federal decennial census;

(9) "Person" shall mean any individual, male or female, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver or trustee appointed by any state or federal court, trustee otherwise created, syndicate,

or any other group or combination acting as a unit, and the plural as well as the singular number;

(10) "School district", "road district", "water district", "sewer district", "levee district", "drainage district", "special benefit district", "special assessment district", or "park district" shall include those located within a county as such county is described in subdivision (3) of this section;

(11) "Sheriff" and "circuit clerk" shall mean the sheriff and circuit clerk, respectively, of any county affected by sections 141.210 to 141.810;

(12) "Tax bill" as used in sections 141.210 to 141.810 shall represent real estate taxes and the lien thereof, whether general or special, levied and assessed by any taxing authority;

(13) "Tax district" shall mean the state of Missouri and any county, municipality, school district, road district, water district, sewer district, levee district, drainage district, special benefit district, special assessment district, or park district, located in any municipality or county as herein described;

(14) "Tax lien" shall mean the lien of any tax bill as defined in subdivision (12) of this section;

(15) "Taxing authority" shall include any governmental, managing, administering or other lawful authority, now or hereafter empowered by law to issue tax bills, the state of Missouri or any county, municipality, school district, road district, water district, sewer district, levee district, drainage district, special benefit district, special assessment district, or park district, affected by sections 141.210 to 141.810.

**141.540. PLACE OF SALE — FORM OF ADVERTISEMENT — NOTICE TO BE POSTED ON LAND AND SENT TO CERTAIN PERSONS, PROCEDURE (FIRST CLASS CHARTER COUNTIES, AND CLAY AND BUCHANAN COUNTIES).**— 1. In any county [having more than one courthouse] at a certain front door of [which] **whose courthouse** sales of real estate are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell the respective parcels of real estate ordered sold by him **or her** pursuant to any judgment of foreclosure by any court [under] **pursuant to** sections 141.210 to 141.810 at any of [said] **such** courthouses, but the sale of such parcels of real estate shall be held at the same front door as sales of real estate are customarily made by the sheriff under execution.

2. Such advertisements may include more than one parcel of real estate, and shall be in substantially the following form:

NOTICE OF SHERIFF'S SALE  
UNDER JUDGMENT OF  
FORECLOSURE OF LIENS FOR  
DELINQUENT LAND TAXES  
No. ....  
In the Circuit Court of .....  
County, Missouri.  
In the Matter of Foreclosure of Liens  
for Delinquent Land Taxes

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Collector of Revenue of .....

County, Missouri,

Plaintiff,

— vs. —

Parcels of Land encumbered with

Delinquent Tax Liens,

Defendants.

WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest, penalties, attorney's fees and costs with the serial numbers of each parcel of real estate, the description thereof, the name of the person appearing in the petition in the suit, and the total amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and costs, all as set out in said judgment and described in each case, respectively, as follows: (Here set out the respective serial numbers, descriptions, names and total amounts of each judgment, next above referred to.) and,

WHEREAS, such judgment orders such real estate sold by the undersigned sheriff, to satisfy the total amount of such judgment, including interest, penalties, attorney's fees and costs,

NOW, THEREFORE,

Public Notice is hereby given that I ....., Sheriff of ..... County, Missouri, will sell such real estate, parcel by parcel, at public auction, to the highest bidder, for cash, between the hours of nine o'clock A.M. and five o'clock P.M., at the ..... front door of the ..... County Courthouse in ....., Missouri, on ....., the ..... day of ....., [19] 20.., and continuing from day to day thereafter, to satisfy the judgment as to each respective parcel of real estate sold. If no acceptable bids are received as to any parcel of real estate, said parcel shall be sold to the Land Trust of ..... **(insert name of County)**, Missouri.

Any bid received shall be subject to confirmation by the court.

.....

Sheriff of .....

County,

Missouri.

.....  
Delinquent Land Tax Attorney

Address: .....

First Publication .....,

[19] 20...

3. Such advertisement shall be published four times, once a week, upon the same day of each week during successive weeks prior to the date of such sale, in a daily newspaper of general circulation regularly published in the county, qualified according to law for the publication of public notices and advertisements.

4. In addition to the provisions herein for notice and advertisement of sale, the county collector shall enter upon the property subject to foreclosure of these tax liens and post a written informational notice in any conspicuous location thereon. This notice shall describe the property and advise that it is the subject of delinquent land tax collection proceedings before the circuit court brought pursuant to sections

141.210 to 141.810 and that it may be sold for the payment of delinquent taxes at a sale to be held at [a specific time] **ten o'clock a.m.**, date and place, and shall also contain a file number and the address and phone number of the collector. If the collector chooses to post such notices as authorized by this subsection, such posting must be made not later than the fourteenth day prior to the date of the sale.

5. The collector shall, concurrently with the beginning of the publication of sale, cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the persons named in the petition as being the last known persons in whose names tax bills affecting the respective parcels of real estate described in said petition were last billed or charged on the books of the collector, or the last known owner of record, if different, and to the addresses of said persons upon said records of the collector. The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any person who, from such records, appears as a successor to the person to whom the original notice was addressed, and to cause another notice to be mailed to such person. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected of any such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, or in the event that any name or address does not appear on the records of the collector, then of that fact. The affidavit in addition to the recitals set forth above shall also state reason for the nondelivery of such notice.

6. The collector may, at his **or her** option, concurrently with the beginning of the publication of sale, cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the mortgagee or security holder, if known, of the respective parcels of real estate described in said petition, and to the addressee of [said] **such** mortgagee or security holder according to the records of the collector. The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then

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the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any security holder who, from such records, appears as a successor to the security holder to whom the original notice was addressed, and to cause another notice to be mailed to such security holder. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected by any such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, and stating the reason for the nondelivery of such notice.

**141.550. CONDUCT OF SALE — INTERESTS CONVEYED — SPECIAL SALE PROCEDURES FOR CERTAIN COUNTIES, CERTAIN OWNERS PROHIBITED FROM BIDDING — COST OF PUBLICATION (FIRST CLASS CHARTER COUNTIES, AND CLAY AND BUCHANAN COUNTIES).**— 1. The sale shall be conducted, the sheriff's return thereof made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 141.210 to 141.810, and provided that such sale need not occur during the term of court or while the court is in session.

2. The following provisions shall apply to any sale [under] **pursuant to** this section of property located within any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand:

(1) The sale shall be held on the day for which it is advertised, between the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day thereafter to satisfy the judgment as to each respective parcel of real estate sold;

(2) The sale shall be conducted publicly, by auction, for ready money. The highest bidder shall be the purchaser unless the highest bid is less than the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon. No person shall be eligible to bid at the time of the sale [if that] **unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of the official charged by law with conducting the sale that he or she is not the owner of any parcel of real estate in the county which is affected by a tax bill which has been delinquent for more than six months and is not the owner of any parcel of real property with two or more violations of the municipality's building or housing codes. A prospective bidder may make such a demonstration by presenting statements from the appropriate collection and code enforcement officials of the municipality.**

3. Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way thereon of public utilities upon which tax has been otherwise paid, and subject to the lien thereon, if any, of the United States of America.

4. The collector shall advance the sums necessary to pay for the publication of all advertisements required by sections 141.210 to 141.810 and shall be allowed credit therefor in his **or her** accounts with the county. [He] **The collector** shall give

credit in such accounts for all such advances recovered by him **or her**. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs herein enumerated, including the costs of publication, shall constitute any lien upon the real estate after such sale.

**[141.550. CONDUCT OF SALE — INTERESTS CONVEYED — SPECIAL SALE PROCEDURES FOR CERTAIN COUNTIES, CERTAIN OWNERS PROHIBITED FROM BIDDING — COST OF PUBLICATION (FIRST CLASS CHARTER COUNTIES, AND CLAY AND BUCHANAN COUNTIES).—** 1. The sale shall be conducted, the sheriff's return of the sale made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 141.210 to 141.810, and provided that such sale need not occur during the term of court or while the court is in session.

2. The sale shall be held on the day for which it is advertised, between the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day thereafter to satisfy the judgment as to each respective parcel of real estate sold.

3. The sale shall be conducted publicly, by auction, for ready money. The highest bidder shall be the purchaser unless the highest bid is less than the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due on the real estate. No person shall be eligible to bid on a parcel at the time of the sale if such person is the owner of any other parcel of real estate in the county which is affected by a delinquent tax bill.

4. Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way thereon of public utilities upon which tax has been otherwise paid, and subject to the lien on the real estate, if any, of the United States of America.

5. The collector shall advance the sums necessary to pay for the publication of all advertisements required by sections 141.210 to 141.810 and shall be allowed credit therefor in the collector's accounts with the county. The collector shall give credit in such accounts for all such advances recovered by the collector. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs enumerated in this section, including the costs of publication, shall constitute any lien upon the real estate after such sale.]

**141.610. COURT ADMINISTRATOR'S, SHERIFF'S DEED, EFFECT — ACTION TO SET ASIDE, LIMITATIONS (FIRST CLASS CHARTER COUNTIES).—** Each **court administrator's or sheriff's** deed given pursuant to the provisions of the land tax collection law shall be presumptive evidence that the suit and all proceedings therein and all proceedings prior thereto from and including assessment of the lands affected thereby and all notices required by law were regular and in accordance with all provisions of the law relating thereto. After two years from the date of the recording of such **court administrator's or sheriff's** deed, the presumption shall be conclusive[, unless at the time that this section takes effect the two-year period

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since the recording of such sheriff's deed has expired, or less than six months of such period of two years remains unexpired, in which latter case the presumption shall become conclusive six months after] **pursuant to** sections 141.210 to 141.810 [take effect]. **Notwithstanding section 516.010, RSMo**, no suit to set aside or to attack the validity of any such **court administrator's or** sheriff's deed shall be commenced or maintained unless the suit is filed [prior to the time that the presumption becomes conclusive, as aforesaid] **within two years from the date the court administrator's or sheriff's deed is recorded.**

**144.757. LOCAL USE TAX TO FUND COMMUNITY COMEBACK PROGRAM — RATE OF TAX — ST. LOUIS COUNTY — BALLOT OF SUBMISSION — NOTICE TO DIRECTOR OF REVENUE — REPEAL OR REDUCTION OF LOCAL SALES TAX, EFFECT ON LOCAL USE TAX.** — 1. Any county or municipality, except municipalities within a county of the first classification having a charter form of government with a population in excess of nine hundred thousand may, by a majority vote of its governing body, impose a local use tax if a local sales tax is imposed as defined in section 32.085, RSMo, at a rate equal to the rate of the local sales tax in effect in such county or municipality; provided, however, that no ordinance or order enacted pursuant to [the authority granted by the provisions of this act] **sections 144.757 to 144.761** shall be effective unless the governing body of the county or municipality submits to the voters thereof at a municipal, county or state general, primary or special election prior to August 7, 1996, or after December 31, 1996, a proposal to authorize the governing body of the county or municipality to impose a local use tax [under the provisions of this act] **pursuant to sections 144.757 to 144.761.** Municipalities within a county of the first classification having a charter form of government with a population in excess of nine hundred thousand may, upon voter approval received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, impose a local use tax at the same rate as the local municipal sales tax with the revenues from all such municipal use taxes to be distributed pursuant to subsection 4 of section 94.890, RSMo. The municipality shall within thirty days of the approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section select one of the distribution options permitted in subsection 4 of section 94.890, RSMo, for distribution of all municipal use taxes.

2. (1) The ballot of submission except for counties and municipalities described in subdivisions (2) and (3) of this subsection, shall contain substantially the following language:

Shall the ..... (county or municipality's name) impose a local use tax at the same rate as the total local sales tax rate, currently ..... (insert percent), provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(2) (a) The ballot of submission in a county of the first classification having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

[Shall the county governing body be authorized to impose a local use tax which is equal to the total of the existing county sales tax of one percent and the existing county transportation sales taxes of three-quarters of one percent, provided that if any county sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.] **For the purposes of preventing neighborhood decline, demolishing old deteriorating and vacant buildings, rehabilitating historic structures, cleaning polluted sites, promoting reinvestment in neighborhoods by creating the (name of county) Community Comeback Program; and for the purposes of enhancing local government services; shall the county governing body be authorized to collect a local use tax equal to the total of the existing county sales tax rate of (insert tax rate), provided that if the county sales tax is repealed, reduced or raised by voter approval, the local use tax rate shall also be repealed, reduced or raised by the same voter action? The Community Comeback Program shall be required to submit to the public a comprehensive financial report detailing the management and use of funds each year. A use tax is the equivalent of a sales tax on purchases from out-of-state sellers by in-state buyers and on certain taxable business transactions. A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.**

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(b) The ballot of submission in a municipality within a county of the first classification having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

Shall the municipality be authorized to impose a local use tax at the same rate as the local sales tax by a vote of the governing body, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(3) The ballot of submission in any city not within a county shall contain substantially the following language:

Shall the ..... (city name) impose a local use tax at the same rate as the local sales tax, currently at a rate of ..... (insert percent) which includes the capital improvements sales tax and the transportation tax, provided that if any local sales

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tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(4) If any of such ballots are submitted on August 6, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the director of revenue receives notice of adoption of the local use tax on or before August 16, 1996. If any of such ballots are submitted after December 31, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the calendar quarter which begins at least forty-five days after the director of revenue receives notice of adoption of the local use tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall have no power to impose the local use tax as herein authorized unless and until the governing body of the county or municipality shall again have submitted another proposal to authorize the governing body of the county or municipality to impose the local use tax [under the provisions of this act] **pursuant to sections 144.757 to 144.761** and such proposal is approved by a majority of the qualified voters voting thereon.

3. The local use tax may be imposed at the same rate as the local sales tax then currently in effect in the county or municipality upon all transactions which are subject to the taxes imposed [under] **pursuant to** sections 144.600 to 144.745 within the county or municipality adopting such tax; provided, however, that if any local sales tax is repealed or the rate thereof is reduced or raised by voter approval, the local use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the local sales tax.

**4. For purposes of sections 144.757 to 144.761 and sections 67.478 to 67.493, RSMo, the use tax may be referred to or described as the equivalent of a sales tax on purchases made from out-of-state sellers by in-state buyers and on certain intrabusiness transactions. Such a description shall not change the classification, form or subject of the use tax or the manner in which it is collected.**

**144.759. COLLECTION OF ADDITIONAL LOCAL USE TAX FOR COMMUNITY COMEBACK PROGRAM — DEPOSIT IN LOCAL USE TAX TRUST FUND, NOT PART OF STATE REVENUE — DISTRIBUTION TO COUNTIES AND MUNICIPALITIES — REFUNDS — NOTIFICATION TO DIRECTOR OF REVENUE ON ABOLISHMENT OF TAX.**— 1. All local use taxes collected by the director of revenue [under this act] **pursuant to sections 144.757 to 144.761** on behalf of any county or municipality, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in

section 32.087, RSMo, shall be deposited with the state treasurer in a local use tax trust fund, which fund shall be separate and apart from the local sales tax trust funds. The moneys in such local use tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county or municipality imposing a local use tax, and the records shall be open to the inspection of officers of the county or municipality and to the public. No later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month, except as provided in subsection 2 of this section, to the county or municipality treasurer, or such other officer as may be designated by the county or municipality ordinance or order, of each county or municipality imposing the tax authorized by [this act] **sections 144.757 to 144.761**, the sum due the county or municipality as certified by the director of revenue.

2. The director of revenue shall distribute all moneys which would be due any county of the first classification having a charter form of government and having a population of nine hundred thousand or more to the county treasurer or such other officer as may be designated by county ordinance, who shall distribute such moneys as follows: the portion of the use tax imposed by the county which equals **one-half** the rate of sales tax [levied pursuant to section 94.660, RSMo,] **in effect for such county** shall be disbursed to the [bi-state agency authorized pursuant to sections 70.370 to 70.441, RSMo, to be used only to provide the local share of construction costs for additional light rail lines] **county community comeback trust authorized pursuant to sections 67.478 to 67.493, RSMo**. The treasurer or such other officer as may be designated by county ordinance shall distribute one-third of the balance to the county and to each city, town and village in group B according to section 66.620, RSMo, as modified by this section, a portion of the remainder of such balance equal to the percentage ratio that the population of each such city, town or village bears to the total population of all such group B cities, towns and villages. For the purposes of this subsection, population shall be determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purposes of this subsection, each city, town or village in group A according to section 66.620, RSMo, but whose per capita sales tax receipts during the preceding calendar year pursuant to sections 66.600 to 66.630, RSMo, were less than the per capita countywide average of all sales tax receipts during the preceding calendar year, shall be treated as a group B city, town or village until the per capita amount distributed to such city, town or village equals the difference between the per capita sales tax receipts during the preceding calendar year and the per capita countywide average of all sales tax receipts during the preceding calendar year.

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties or municipalities. If any county or municipality abolishes the tax, the county or municipality shall notify the

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director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

4. Except as modified in [this act] **sections 144.757 to 144.761**, all provisions of sections 32.085 and 32.087, RSMo, applicable to the local sales tax, except for subsection 12 of section 32.087, RSMo, and all provisions of sections 144.600 to 144.745 shall apply to the tax imposed [under this act] **pursuant to sections 144.757 to 144.761**, and the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax.

**144.761. REPEAL OR AMENDMENT OF LOCAL USE TAX — EFFECT ON LOCAL USE TAX OF REPEAL OF LOCAL SALES TAX — PETITION TO REPEAL LOCAL USE TAX — BALLOT MEASURE ON REPEAL OF LOCAL USE TAX.** — 1. No county or municipality imposing a local use tax pursuant to [this act] **sections 144.757 to 144.761** may repeal or amend such local use tax unless such repeal or amendment is submitted to and approved by the voters of the county or municipality in the manner provided in section 144.757; provided, however, that the repeal of the local sales tax within the county or municipality shall be deemed to repeal the local use tax imposed [under this act] **pursuant to sections 144.757 to 144.761**.

2. Whenever the governing body of any county or municipality in which a local use tax has been imposed in the manner provided by [this act] **sections 144.757 to 144.761** receives a petition, signed by fifteen percent of the registered voters of such county or municipality voting in the last gubernatorial election, calling for an election to repeal such local use tax, the governing body shall submit to the voters of such county or municipality a proposal to repeal the county or municipality use tax imposed [under the provisions of this act] **pursuant to sections 144.757 to 144.761**. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along with any amendments thereto, shall remain in effect.

**249.470. DISTRICTS TO BE ESTABLISHED BY RESOLUTION OF COMMISSION — COUNTYWIDE SEWER DISTRICTS, WHEN.** — 1. The county commission, after receiving the recommendations of the sewer engineer, may, by resolution, establish the boundaries of the sewer district or districts including therein only such lots,

tracts and parcels of ground which may be conveniently served by a sewer, except that whenever the commission of a county of the first classification without a charter form of government deems that a countywide wastewater treatment authority would best serve the needs of such county, the commission may establish a countywide sewer district which shall be subject to the provisions of sections 249.430 to 249.660. The action of the county commission in determining the boundaries of said sewer districts shall be conclusive, provided that, except as otherwise provided in this section, no ground shall be included in a sewer district not contained in the natural drainage area or watercourse, or may be conveniently served through said sewer.

**2. For each countywide wastewater treatment authority established pursuant to this section, the county commission of such county shall, by resolution, order, or ordinance, appoint five trustees, all of whom shall reside within the county. In the event there is more than one district within the county organized pursuant to this chapter, no less number of the trustees so appointed shall reside within the district having the greatest number of customers than reside in any other such district in the county. The trustees, whose terms shall begin on the date the authority is established, shall be responsible for the control and operation of the countywide wastewater treatment authority and shall have the same powers and duties as the county commission as provided in this chapter. The term of each trustee shall be five years, except that, of the first board appointed, one member shall serve for one year, one member shall serve for two years, one member shall serve for three years, one member shall serve for four years, and one member shall serve for five years. All vacancies after the initial appointment shall be filled by the county commission. The trustees shall be reimbursed by the district for all reasonable expenses incurred in the performance of their duties, which amount shall not exceed the sum of twenty-five dollars per month.**

**260.210. PROHIBITED ACTS, EXCEPTION — SEARCH WARRANTS TO ISSUE, WHEN — INVESTIGATIONS, DEPARTMENT MAY CONDUCT, HOW — DEMOLITION WASTE, DISPOSAL OF, REQUIREMENTS — BUILDING PERMITS, NOTICE OF DISPOSAL OF DEMOLITION WASTE REQUIRED, FORM — EXCEPTIONS — EXCEPTIONS FOR KANSAS CITY.** — 1. It is unlawful for any person to:

(1) Dump or deposit, or permit dumping or depositing of any solid wastes onto the surface of the ground or into streams, springs, and all bodies of surface or ground water, whether natural or artificial, within the boundaries of the state except in a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided[, ] that, this [provision] **subdivision** shall not prohibit the use or require a permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect the public health, and shall not prohibit the disposal of or require a permit for the disposal by an individual of solid wastes resulting from his **or her** own residential activities on property owned or lawfully occupied by him **or her** when such wastes do not thereby create a public nuisance or adversely affect the public health;

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(2) Construct or alter a solid waste processing facility or solid waste disposal area of a solid waste management system without approval from the department;

(3) Conduct any solid waste burning operations in violation of the rules and regulations of the Missouri air conservation commission or the department;

(4) Except as otherwise provided, store, collect, transport, process, or dispose of solid waste in violation of the rules, regulations or orders of the department or in such a manner as to create a public nuisance or adversely affect the public health; or

(5) Refuse entry or access, requested for purposes of inspecting solid waste processing facilities or solid waste disposal areas, to an agent or employee of the department who presents appropriate credentials, or hinder the agent or employee in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any circuit or associate circuit judge having jurisdiction to any such agent or employee for the purpose of enabling him to make such inspection.

2. Information obtained from waste disposed or deposited in violation of this section may be a rebuttable presumption that the person so identified committed the violation of sections 260.200 to 260.345. If the operator or passenger of any vehicle is witnessed by a peace officer or employee of the department of natural resources to have violated the provisions of this section and the identity of the operator is not determined or otherwise apparent, it may be a rebuttable presumption that the person in whose name such vehicle is registered committed the violation.

3. No person shall be held responsible [under the provisions of] **pursuant to** this section for the dumping or depositing of any solid waste on land owned or lawfully occupied by him **or her** without his **or her** express or implied consent, permission or knowledge.

4. The department shall investigate reports of the dumping or depositing of solid waste or demolition waste in a manner contrary to the requirements of sections 260.200 to 260.345. The department shall immediately issue a cease and desist order if it determines that any person has been or is dumping or depositing solid waste or demolition waste, or has allowed the dumping or disposal of solid waste or demolition waste or has received compensation for same, in a manner contrary to sections 260.200 to 260.345. The department shall order the owner of the property or the person placing solid waste or demolition waste thereon, or both, to remove all solid waste from the premises if it determines that the waste might be reasonably expected to cause a public nuisance or health hazard.

5. The department shall order a site cleaned up pursuant to the provisions of section 260.230, when it determines that the property owner or the operator has accepted remuneration or otherwise benefited financially for placing solid waste or demolition waste in or on the site in contravention of this section. Persons who knowingly haul solid waste or demolition waste to a site which is operating without a permit, persons who operate such a site and persons who own the property where the solid waste or demolition waste is being dumped or deposited shall be jointly and severally liable for cleanup costs and any damage to third parties caused by the dumping or disposing of solid waste or demolition waste on the property if the owner or operator has accepted remuneration or otherwise benefited financially

from such disposal. The provisions of sections 260.230 and 260.240, relating to the issuance of orders, shall be applicable to an action [under] **pursuant to** this section. Any person aggrieved by any action of the department [under] **pursuant to** this section may appeal in the manner provided in section 260.235. Any person may bring civil action for actual and exemplary damages against the responsible party if the person has sustained injury due to violations of this section.

6. **Notwithstanding subsection 1 of section 260.250, any solid waste disposal area or solid waste processing facility serving a city with a population of more than four hundred thousand inhabitants may accept yard waste commingled with solid waste that results from an illegal dump cleanup activity or program conducted by the local government of such city pursuant to this section. The local government of such city shall provide certification to the solid waste disposal area or solid waste processing facility that the origin of the yard waste is from the clean up of illegally dumped solid waste.**

7. Any person who engages in building construction, modification or in construction, modification or demolition which produces demolition waste, in types and quantities established by the department, shall dispose of such waste in a demolition or sanitary landfill or other authorized sites as provided by rule. Each such person shall maintain records of sites used for demolition disposal for a period of one year. These records shall be made available to the department upon request.

[7.] 8. Cities and counties which issue building permits shall reprint the following on each permit or on a separate notice:

"Notice: The disposal of demolition waste is regulated by the department of natural resources [under] **pursuant to** chapter 260, RSMo. Such waste, in types and quantities established by the department, shall be taken to a demolition landfill or a sanitary landfill for disposal."

[8.] 9. A demolition landfill may accept clean fill, waste resulting from building or demolishing structures and all other waste not required to be placed in a sanitary landfill or a hazardous waste disposal facility for final disposition.

[9.] 10. Notwithstanding subsection [6] 7 of this section, certain wastes may be disposed of as provided by this subsection:

(1) A person engaged in any activity which produces clean fill may use such material for fill, reclamation or other beneficial purposes on his **or her** own property or on the property of another person with the permission of the owner of such property, provided that such use does not violate any state law or local ordinance or order;

(2) A person engaged in any activity which produces wood waste may reuse or recycle such waste or may dispose of wood waste on the site where generated if such disposal is in compliance with applicable state law or local ordinances or orders;

(3) A person who engages in clearance, trimming or removal of trees, brush or other vegetation may use wood wastes from such activities for beneficial purposes including, but not limited to, firewood, ground cover, erosion control, mulch, compost or cover for wildlife.

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**353.020. DEFINITIONS.**— The following terms, whenever used or referred to in this chapter, mean:

(1) "Area", that portion of the city which the legislative authority of such city has found or shall find to be blighted so that the clearance, replanning, rehabilitation, or reconstruction thereof is necessary to effectuate the purposes of this law. Any such area may include buildings or improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part;

(2) "Blighted area", that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes;

(3) "City" or "such cities", any city within this state **and in any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants. The county's authority pursuant to this chapter shall be restricted to the unincorporated areas of such county;**

(4) "Development plan", a plan, together with any amendments thereto, for the development of all or any part of a blighted area, which is authorized by the legislative authority of any such city;

(5) "Legislative authority", the city council or board of aldermen of the cities affected by this chapter;

(6) "Mortgage", a mortgage, trust indenture, deed of trust, building and loan contract, or other instrument creating a lien on real property, to secure the payment of an indebtedness, and the indebtedness secured by any of them;

(7) "Real property" includes lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto, legal or equitable, including restrictions of record, created by plat, covenant, or otherwise, rights-of-way, and terms for years;

(8) "Redevelopment", the clearance, replanning, reconstruction or rehabilitation of any blighted area, and the provision for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto;

(9) "Redevelopment project", a specific work or improvement to effectuate all or any part of a development plan;

(10) "Urban redevelopment corporation", a corporation organized [under the provisions of] **pursuant to** this chapter; except that any life insurance company organized [under] **pursuant to** the laws of, or admitted to do business in, the state of Missouri may from time to time within five years after April 23, 1946, undertake, alone or in conjunction with, or as a lessee of any such life insurance company or urban redevelopment corporation, a redevelopment project [under] **pursuant to** this chapter, and shall, in its operations with respect to any such redevelopment project, but not otherwise, be deemed to be an urban redevelopment

corporation for the purposes of this section and sections 353.010, 353.040, 353.060 and 353.110 to 353.160.

**SECTION 1. DEPARTMENT OF NATURAL RESOURCES SHALL VERIFY COMPLIANCE WITH CORRECTIVE ACTION PLANS FOR HAZARDOUS WASTE MANAGEMENT.** — All corrective action plans approved by the department pursuant to the provisions of sections 260.350 to 260.430, RSMo, shall require the department, upon notice by the owner or operator that the approved plan has been completed, to verify within ninety days that the corrective action plan has been complied with and completed. The department shall issue a letter within thirty business days to the owners or operators certifying the completion and compliance.

**SECTION 2. AUTHORIZES GRANTS FOR REGIONAL RESEARCH CONSORTIA IN A DISTRESSED COMMUNITY.** — Regional research consortia within a city which lies partially or wholly within an area designated as a distressed community may apply for grants from the state for the purpose of conducting health research, including research into the prevention and cessation of smoking.

**SECTION 3. AUTHORIZES LOCAL SALES TAX TO PROVIDE COMMUNITY SERVICES FOR CHILDREN — ESTABLISHES FUND (ST. CHARLES COUNTY).** — 1. The governing body of any county of the first classification with a charter form of government and a population of two hundred thousand but less than three hundred thousand may, after voter approval pursuant to this section, levy a sales tax not to exceed one-quarter of a cent in the county for the purpose of providing counseling, family support, and temporary residential services to persons eighteen years of age or less. The question shall be submitted to the qualified voters of the county at a county or state general, primary or special election upon the motion of the governing body of the county upon the petition of eight percent of the qualified voters of the county determined on the basis of the number of votes cast for governor in such county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county shall give legal notice as provided in chapter 115, RSMo. The question shall be submitted in substantially the following form:

Shall ..... County be authorized to levy a sales tax of one-quarter of a cent in the county for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well being and safety of children and youth eighteen years of age or less and to strengthen families?

YES

NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall be levied and collected as otherwise provided by law. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not be levied unless and until the question is again submitted to the

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qualified voters of the county and a majority of such voters are in favor of such a tax, and not otherwise.

2. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury to the credit of a special "Community Children's Services Fund". Such fund shall be administered by a board of directors, established pursuant to section 210.861.

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary in order to prevent further neighborhood decline and to stimulate economic investment, the enactment of sections 67.478, 67.481, 67.484, 67.487, 67.490 and 67.493 and the repeal and reenactment of sections 144.757, 144.759, 144.761 and 353.020 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 67.478, 67.481, 67.484, 67.487, 67.490 and 67.493 and the repeal and reenactment of sections 144.757, 144.759, 144.761 and 353.020 shall be in full force and effect upon its passage and approval.

Approved June 27, 2000

HB 1284 [HB 1284]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows additional compensation for ambulance district board members.**

AN ACT to repeal section 190.055, RSMo Supp. 1999, relating to ambulance district board members, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

A. Enacting clause.

190.055. Powers of board — seal and bylaws required — reimbursement of board members' expenses — secretary and treasurer, additional compensation — board member attendance fees, when.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 190.055, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 190.055, to read as follows:

**190.055. POWERS OF BOARD — SEAL AND BYLAWS REQUIRED — REIMBURSEMENT OF BOARD MEMBERS' EXPENSES — SECRETARY AND TREASURER, ADDITIONAL COMPENSATION — BOARD MEMBER ATTENDANCE FEES, WHEN.** — 1. The board of directors of a district shall possess and exercise all of its legislative and executive powers. Within thirty days after the election of the

initial directors, the board shall meet. The time and place of the first meeting of the board shall be designated by the county commission. At its first meeting and after each election of new board members the board shall elect a chairman from its members and select a secretary, treasurer and such officers or employees as it deems expedient or necessary for the accomplishment of its corporate objectives. The secretary and treasurer need not be members of the board. At the meeting the board, by ordinance, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal and bylaws, which shall determine the times for the annual election of officers and of other regular and special meetings of the board and shall contain the rules for the transaction of other business of the district and for amending the bylaws.

2. Each [director] **board member** of any district shall devote such time to the duties of the office as the faithful discharge thereof may require, including educational programs provided by the state and **each board member** may be reimbursed for [such director's] actual expenditures in the performance of [such director's] **his or her** duties on behalf of the district.

3. **The secretary and treasurer, if members of the board of directors, may each receive additional compensation for the performance of their duties as secretary or treasurer as the board shall deem reasonable and necessary; provided that, such additional compensation shall not exceed one thousand dollars per year.**

4. **Each board member may receive an attendance fee not to exceed one hundred dollars for attending each regularly or specially called board meeting. Such member shall not be paid for attending more than two meetings in any calendar month, except that in a county of the first classification having a charter form of government, such member shall not be paid for attending more than four such meetings in any calendar month. In addition, the chairman of the board may receive fifty dollars for attending each regularly or specially called board meeting, but such chairman shall not be paid the additional fee for attending more than two meetings in any calendar month.**

5. **The compensation authorized by subsections 3 and 4 of this section shall only apply:**

- (1) **If such compensation is approved by the board of such district; and**
- (2) **To any elected term of any board member beginning after August 28, 2000.**

Approved June 27, 2000

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HB 1289 [HB 1289]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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**Expands the list of interested persons for distribution of accident reports.**

AN ACT to repeal section 610.200, RSMo Supp. 1999, relating to law enforcement agency accident reports, and to enact in lieu thereof one new section relating to the same subject.

## SECTION

A. Enacting clause.

610.200. Law enforcement agency log or record of suspected crimes, accidents or complaints, available for inspection and copying — limitation.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Section 610.200, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 610.200, to read as follows:

**610.200. LAW ENFORCEMENT AGENCY LOG OR RECORD OF SUSPECTED CRIMES, ACCIDENTS OR COMPLAINTS, AVAILABLE FOR INSPECTION AND COPYING — LIMITATION.**— 1. Except as provided in subsection 2 of this section all law enforcement agencies that maintain a daily log or record that lists suspected crimes, accidents, or complaints, shall make available the following information for inspection and copying by the public:

- (1) The time, substance, and location of all complaints or requests for assistance received by the agency;
- (2) The time and nature of the agency's response to all complaints or request for assistance; and
- (3) If the incident involves an alleged crime or infraction:
  - (a) The time, date, and location of occurrence;
  - (b) The name and age of any victim, unless the victim is a victim of a crime under chapter 566, RSMo;
  - (c) The factual circumstances surrounding the incident; and
  - (d) A general description of any injuries, property or weapons involved.

2. Any law enforcement agency with custody of an accident report or incident report, as defined in section 610.100, shall not release for sixty days after the date of the accident or incident the report containing the factual circumstances or general description of any injuries as provided in paragraphs (c) and (d) of subdivision (3) of subsection 1 of this section to a person that is not an interested party. For the purposes of this subsection, an "interested party" is any law enforcement agency, any person who was involved in the accident or incident, **the street department of the jurisdiction involved**, the owner of any vehicle involved in the accident or incident, the insurance company, physician or family member of

any person involved in the accident or incident or any attorney or any member of the news media.

Approved June 27, 2000

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## HB 1321 [HB 1321]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Enacts the Interstate Compact for Adult Offender Supervision.**

AN ACT to amend chapter 589, RSMo, relating to crime prevention and control by adding thereto twenty-four new sections for the purpose of enacting the Interstate Compact for Adult Offender Supervision.

#### SECTION

- A. Enacting clause.
- 589.500. Title.
- 589.503. Purpose.
- 589.506. Definitions.
- 589.509. Compact commission, duties, members, voting — executive committee established.
- 589.512. Commissioner appointed, membership of state council.
- 589.515. Commission powers and duties.
- 589.518. Bylaws, organization and operation.
- 589.521. Chairperson and vice chairperson elected, duties — executive director appointed, duties.
- 589.524. Maintenance of corporate books and records.
- 589.527. Qualified immunity, defense and indemnification.
- 589.530. Actions of commission, procedure.
- 589.533. Rulemaking authority, procedure.
- 589.536. Oversight.
- 589.539. Dispute resolution.
- 589.542. Enforcement.
- 589.545. Payment of expenses — annual assessment collected — incurring of obligations, restrictions — accounts maintained.
- 589.548. Eligibility of compacting states — effective date of compact — amendments.
- 589.551. Withdrawal.
- 589.554. Default.
- 589.557. Judicial enforcement.
- 589.560. Dissolution of compact.
- 589.563. Severability clause.
- 589.566. Effect of other laws.
- 589.569. Binding effect of the compact.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 589, RSMo, is amended by adding thereto twenty-four new sections, to be known as sections 589.500, 589.503, 589.506, 589.509, 589.512, 589.515, 589.518, 589.521, 589.524,

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589.527, 589.530, 589.533, 589.536, 589.539, 589.542, 589.545, 589.548, 589.551, 589.554, 589.557, 589.560, 589.563, 589.566 and 589.569, to read as follows:

**589.500. TITLE.** — Sections 589.500 to 589.569 of this act may be cited as "The Interstate Compact for Adult Offender Supervision".

**589.503. PURPOSE.** — The compacting states to this Interstate Compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the Bylaws and Rules of this compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdictions. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime. It is the purpose of this compact and the Interstate Commission created hereunder, through means of joint and cooperative action among the compacting states: to provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and to equitably distribute the costs, benefits and obligations of the compact among the compacting states. In addition, this compact will: create an Interstate Commission which will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies which will promulgate rules to achieve the purpose of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators; monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct noncompliance; and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity. The compacting states recognize that there is no "right" of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of this compact and Bylaws and Rules promulgated hereunder. It is the policy of the compacting states that the activities conducted by the

Interstate Commission created herein are the formation of public policies and are therefore public business.

**ARTICLE II  
DEFINITIONS**

**589.506. DEFINITIONS.** — As used in this compact, unless the context clearly requires a different construction:

- (1) "Adult" means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law;
- (2) "By-laws" mean those by-laws established by the Interstate Commission for its governance, or for directing or controlling the Interstate Commission's actions or conduct;
- (3) "Compact Administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact;
- (4) "Compacting state" means any state which has enacted the enabling legislation for this compact;
- (5) "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact;
- (6) "Interstate Commission" means the Interstate Commission for Adult Offender Supervision established by this compact;
- (7) "Member" means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner;
- (8) "NonCompacting state" means any state which has not enacted the enabling legislation for this compact;
- (9) "Offender" means an adult placed under, or subject, to supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies;
- (10) "Person" means any individual, corporation, business enterprise, or other legal entity, either public or private;
- (11) "Rules" means acts of the Interstate Commission, duly promulgated pursuant to Article VIII of this compact, substantially affecting interested parties in addition to the Interstate Commission, which shall have the force and effect of law in the compacting states;
- (12) "State" means a state of the United States, the District of Columbia and any other territorial possessions of the United States;
- (13) "State Council" means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article III of this compact.

**ARTICLE III  
THE COMPACT COMMISSION**

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**589.509. COMPACT COMMISSION, DUTIES, MEMBERS, VOTING — EXECUTIVE COMMITTEE ESTABLISHED.**— 1. The compacting states hereby create the "Interstate Commission for Adult Offender Supervision". The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

2. The Interstate Commission shall consist of Commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state. In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations; such noncommissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting) members as it deems necessary.

3. Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission. The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

4. The Interstate Commission shall establish an Executive Committee which shall include commission officers, members and others as shall be determined by the By-laws. The Executive Committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact. The Executive Committee oversees the day-to-day activities managed by the Executive Director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and as directed by the Interstate Commission and performs other duties as directed by Commission or set forth in the By-laws.

#### ARTICLE IV THE STATE COUNCIL

**589.512. COMMISSIONER APPOINTED, MEMBERSHIP OF STATE COUNCIL.**— Each member state shall create a State Council for Interstate Adult Offender Supervision which shall be responsible for the appointment of the commissioner who shall serve on the Interstate Commission from that state. Each state council shall appoint as its commissioner the Compact Administrator from that state to serve on the Interstate Commission in such

capacity under or pursuant to applicable law of the member state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups and compact administrators. Each compacting state retains the right to determine the qualifications of the Compact Administrator who shall be appointed by the state council or by the Governor in consultation with the Legislature and the Judiciary. In addition to appointment of its commissioner to the National Interstate Commission, each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state including but not limited to, development of policy concerning operations and procedures of the compact within that state.

#### **ARTICLE V**

##### **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

**589.515. COMMISSION POWERS AND DUTIES.**— The Interstate Commission shall have the following powers:

- (1) To adopt a seal and suitable by-laws governing the management and operation of the Interstate Commission;
  - (2) To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact;
  - (3) To oversee, supervise and coordinate the interstate movement of offenders subject to the terms of this compact and any by-laws adopted and rules promulgated by the compact commission;
  - (4) To enforce compliance with compact provisions, Interstate Commission rules, and by-laws, using all necessary and proper means, including but not limited to, the use of judicial process;
  - (5) To establish and maintain offices;
  - (6) To purchase and maintain insurance and bonds;
  - (7) To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs;
  - (8) To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder;
  - (9) To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel;
  - (10) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same;
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- (11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed;
- (12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed;
- (13) To establish a budget and make expenditures and levy dues as provided in Article X of this compact;
- (14) To sue and be sued;
- (15) To provide for dispute resolution among compacting state;
- (16) To perform such functions as may be necessary or appropriate to achieve the purposes of this compact;
- (17) To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission;
- (18) To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity;
- (19) To establish uniform standards for the reporting, collecting, and exchanging of data.

**ARTICLE VI**  
**ORGANIZATION AND OPERATION OF THE INTERSTATE**  
**COMMISSION**

**589.518. BYLAWS, ORGANIZATION AND OPERATION.** — The Interstate Commission shall, by a majority of the Members, within twelve months of the first Interstate Commission meeting, adopt By-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact, including, but not limited to:

- (1) Establishing the fiscal year of the Interstate Commission;
- (2) Establishing an executive committee and such other committees as may be necessary;
- (3) Providing reasonable standards and procedures:
  - (a) For the establishment of committees; and
  - (b) Governing any general or specific delegation of any authority or function of The Interstate Commission;
- (4) Providing reasonable procedures for calling and conducting meetings of The Interstate Commission, and ensuring reasonable notice of each such meeting;
- (5) Establishing the titles and responsibilities of The officers of the Interstate Commission;
- (6) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of he Interstate Commission. Notwithstanding any civil service or other similar laws of any, The By- laws shall exclusively govern the personnel policies and programs of the Interstate Commission; and
- (7) Providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist

upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations;

(8) Providing transition rules for "start up" administration of the compact; establishing standards and procedures for compliance and technical assistance in carrying out The compact.

**589.521. CHAIRPERSON AND VICE CHAIRPERSON ELECTED, DUTIES — EXECUTIVE DIRECTOR APPOINTED, DUTIES. — 1. The Interstate Commission shall, by a majority of the Members, elect from among its Members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the By-laws. The chairperson or, in his or her absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission. The Officers so elected shall serve without compensation or remuneration from the Interstate Commission; PROVIDED THAT, subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.**

**2. The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and condition and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, and hire and supervise such other staff as may be authorized by the Interstate Commission, but shall not be a member.**

**589.524. MAINTENANCE OF CORPORATE BOOKS AND RECORDS. — The Interstate Commission shall maintain its corporate books and records in accordance with the By-laws.**

**589.527. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION. — 1. The Members, officers, executive director and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities; PROVIDED, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person. The Interstate Commission shall defend the Commission of a compacting state, or his or her representatives or employees, or the Interstate Commission's representatives or employees, in any civil action seeking to impose liability, arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing such act, error or omission occurred within the scope of Interstate Commission employment,**

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duties or responsibilities: **PROVIDED**, that the actual or alleged act, error or omission did not result from intentional wrongdoing on the part of such person.

2. The Interstate Commission shall indemnify and hold the Commissioner of a compacting state, the appointed designee or employees, harmless in the amount of any settlement or judgement obtained against such persons arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing such act, error or omission occurred within the scope of Interstate Commission employment, duties or responsibilities, provided, that the actual or alleged act, error or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

#### **ARTICLE VII**

##### **ACTIVITIES OF THE INTERSTATE COMMISSION**

**589.530. ACTIONS OF COMMISSION, PROCEDURE.**— 1. The Interstate Commission shall meet and take such actions as are consistent with the provisions of this Compact.

2. Except as otherwise provided in this Compact and unless a greater percentage is required by the By-Laws, in order to constitute an act of the Interstate Commission, such act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present.

3. Each Member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A Member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The By-Laws may provide for Members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person.

4. The Interstate Commission shall meet at least once during each calendar year. The chairperson of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the Members, shall call additional meetings.

5. The Interstate Commission's By-Laws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such Rules, the Interstate

Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

6. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission shall promulgate Rules consistent with the principles contained in the "Government in Sunshine Act," 5 U.S.C. Section 552(b), as may be amended. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

- (1) Relate solely to the Interstate Commission's internal personnel practices and procedures;
- (2) Disclose matters specifically exempted from disclosure by statute;
- (3) Disclose trade secrets or commercial or financial information which is privileged or confidential;
- (4) Involve accusing any person of a crime, or formally censuring any person;
- (5) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (6) Disclose investigatory records compiled for law enforcement purposes;
- (7) Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to regulated entity for the purpose of regulation or supervision of such entity;
- (8) Disclose information, the premature disclosure of which would significantly endanger the life or a person or the stability of a regulated entity;
- (9) Specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or proceeding.

7. For every meeting closed pursuant to this provision, the Interstate Commission's chief legal officer shall publicly certify that, in his or her opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of all rollcall vote (reflected in the vote of each Member on the question). All documents considered in connection with any action shall be identified in such minutes.

8. The Interstate Commission shall collect standardized data concerning the interstate movement of offenders as directed through its By-laws and Rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements.

#### ARTICLE VIII

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**RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

**589.533. RULEMAKING AUTHORITY, PROCEDURE.** — 1. The Interstate Commission shall promulgate Rules in order to effectively and efficiently achieve the purposes of the Compact including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states;

2. Rulemaking shall occur pursuant to the criteria set forth in this Article and the By-laws and Rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 U.S.C.S. section 551 et seq., and the Federal Advisory Committee Act, 5 U.S.C.S. app. 2, section 1 et seq., as may be amended (hereinafter "APA").

3. All Rules and amendments shall become binding as of the date specified in each Rule or amendment.

4. If a majority of the legislatures of the compacting states rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such Rule shall have no further force and effect in any compacting state.

5. When promulgating a Rule, the Interstate Commission shall:

(1) Publish the proposed Rule stating with particularity the text of the Rule which is proposed and the reason for the proposed Rule;

(2) Allow persons to submit written data, facts, opinions and arguments, which information shall be publicly available;

(3) Provide an opportunity for an informal hearing; and

(4) Promulgate a final Rule and its effective date, if appropriate, based on the rulemaking record.

6. Not later than sixty days after a Rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such Rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence, (as defined in the APA), in the rulemaking record, the court shall hold the Rule unlawful and set it aside. Subjects to be addressed within twelve months after the first meeting must at a minimum include:

(1) Notice to victims and opportunity to be heard;

(2) Offender registration and compliance;

(3) Violations/returns;

(4) Transfer procedures and forms;

(5) Eligibility for transfer;

(6) Collection of restitution and fees from offenders;

(7) Data collection and reporting;

(8) The level of supervision to be provided by the receiving state;

(9) Transition rules governing the operation of the compact and the Interstate Commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact;

(10) Mediation, arbitration and dispute resolution.

7. The existing rules governing the operation of the previous compact superceded by this Act shall be null and void twelve months after the first meeting of the Interstate Commission created hereunder.

8. Upon determination by the Interstate Commission that an emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule.

**ARTICLE IX  
OVERSIGHT, ENFORCEMENT, AND  
DISPUTE RESOLUTION BY THE  
INTERSTATE COMMISSION**

**589.536. OVERSIGHT.**— 1. The Interstate Commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.

2. The courts and executive agencies in each compacting state shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

**589.539. DISPUTE RESOLUTION.**— 1. The compacting states shall report to the Interstate Commission on issues or activities of concern to them, and cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities.

2. The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the Compact and which may arise among compacting states and noncompacting states.

3. The Interstate Commission shall enact a By-law or promulgate a Rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

**589.542. ENFORCEMENT.**— The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact using any or all means set forth in Article XII, Section B, of this compact.

**ARTICLE X  
FINANCE**

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**589.545. PAYMENT OF EXPENSES — ANNUAL ASSESSMENT COLLECTED — INCURRING OF OBLIGATIONS, RESTRICTIONS — ACCOUNTS MAINTAINED. — 1.** The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

**2.** The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each compacting state and shall promulgate a Rule binding upon all compacting states which governs said assessment.

**3.** The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

**4.** The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its By-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

## **ARTICLE XI**

### **COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT**

**589.548. ELIGIBILITY OF COMPACTING STATES — EFFECTIVE DATE OF COMPACT — AMENDMENTS. — 1.** Any state, as defined in Article II of this compact, is eligible to become a compacting state. The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than thirty-five of the States. The initial effective date shall be the latter of July 1, 2001, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter it shall become effective and binding, as to any other compacting state, upon enactment of the Compact into law by that state. The governors of Nonmember states or their designees will be invited to participate in Interstate Commission activities on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

**2.** Amendments to the Compact may be proposed by the Interstate Commission for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

**ARTICLE XII**  
**WITHDRAWAL, DEFAULT, TERMINATION,**  
**AND JUDICIAL ENFORCEMENT**

**589.551. WITHDRAWAL.— 1.** Once effective, the Compact shall continue in force and remain binding upon each and every compacting state; **PROVIDED**, that a compacting state may withdraw from the Compact ("withdrawing state") by enacting a statute specifically repealing the statute which enacted the Compact into law.

2. The effective date of withdrawal is the effective date of the repeal.

3. The withdrawing state shall immediately notify the Chairperson of the Interstate Commission in writing upon the introduction of legislation repealing the Compact in the withdrawing state.

4. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

5. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

6. Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state's reenacting the Compact or upon such later date as determined by the Interstate Commission.

**589.554. DEFAULT.— 1.** If the Interstate Commission determines that any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this Compact, the By-laws or any duly promulgated Rules, the Interstate Commission may impose any or all of the following penalties:

(1) Fines, fees and costs in such amounts as are deemed to be responsible as fixed by the Interstate Commission;

(2) Remedial training and technical assistance as directed by the Interstate Commission;

(3) Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the By-laws and Rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or Chief Judicial Officer of the state; the majority and minority leaders of the defaulting state's legislature, and the State Council.

2. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission By-laws, or duly promulgated Rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting

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state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed therein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by the Compact shall be terminated from the effective date of suspension. Within sixty days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer and the Majority and Minority Leaders of the defaulting state's legislature and the state council of such termination.

3. The defaulting state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

4. The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state. Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the Rules.

**589.557. JUDICIAL ENFORCEMENT.**— The Interstate Commission may, by majority vote of the Members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated Rules and By-laws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable fees.

**589.560. DISSOLUTION OF COMPACT.**— The Compact dissolves effective upon the date of the withdrawal or default of the compacting state which reduces membership in the Compact to one compacting state. Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the By-laws.

### ARTICLE XIII

#### SEVERABILITY AND CONSTRUCTION

**589.563. SEVERABILITY CLAUSE.**— 1. The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

2. The provisions of this Compact shall be liberally constructed to effectuate its purposes.

## ARTICLE XIV

## BINDING EFFECT OF COMPACT AND OTHER LAWS

**589.566. EFFECT OF OTHER LAWS. — 1.** Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this Compact.

**2.** All compacting states' laws conflicting with this Compact are superseded to the extent of the conflict.

**589.569. BINDING EFFECT OF THE COMPACT. — 1.** All lawful actions of the Interstate Commission, including all Rules and By-laws promulgated by the Interstate Commission, are binding upon the compacting states.

**2.** All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

**3.** Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

**4.** In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective.

Approved June 27, 2000

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HB 1353 [HB 1353]

**EXPLANATION —** Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Requires the release to certain persons of coroner's reports and alcohol and drug tests on persons killed in automobile accidents without a subpoena.**

AN ACT to repeal section 58.449, RSMo 1994, relating to coroners' test results, and to enact in lieu thereof one new section relating to the same subject.

## SECTION

A. Enacting clause.

58.449. Test results, how used, released, when.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

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**SECTION A. ENACTING CLAUSE.**— Section 58.449, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 58.449, to read as follows:

**58.449. TEST RESULTS, HOW USED, RELEASED, WHEN.**— The contents of the report and results of any test made pursuant to the requirements or authorizations of sections 58.445 to 58.449 shall be used primarily for statistical purposes which do not reveal the identity of the deceased and shall not be public information[; however,]. The contents of the report and the results of any test so made shall be released **upon request to any person involved in the accident, spouse of or any family member related within the second degree of consanguinity to a person killed in the accident, attorney for a person involved in the accident, or insurer of a person involved in the accident or whose property is involved in an accident for purposes of investigation of any civil claim or defense. This information shall be released to other parties only** upon the issuance of a subpoena duces tecum by a court of competent jurisdiction for use in any civil or criminal action arising out of the accident.

Approved June 27, 2000

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HB 1363 [HB 1363]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Enacts the Midwest Interstate Passenger Rail Compact and repeals the Interstate High Speed Intercity Rail Passenger Network Compact.**

AN ACT to repeal section 680.175, RSMo 1994, relating to transportation services, and to enact in lieu thereof one new section relating to the same subject.

SECTION

A. Enacting clause.

680.200. Midwest interstate passenger rail compact.

680.175. Interstate high speed intercity rail passenger network compact.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Section 680.175, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 680.200, to read as follows:

**680.200. MIDWEST INTERSTATE PASSENGER RAIL COMPACT.**— **This section shall be known and may be cited as the "Midwest Interstate Passenger Rail Compact". The midwest interstate passenger rail compact is hereby enacted**

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into law and entered into with all other states which adopt the compact in a form substantially as follows:

#### **ARTICLE I**

##### **STATEMENT OF PURPOSE**

The purposes of this compact are, through joint or cooperative action:

- A) to promote development and implementation of improvements to intercity passenger rail service in the Midwest;
- B) to coordinate interaction among Midwestern state elected officials and their designees on passenger rail issues;
- C) to promote development and implementation of long-range plans for high speed rail passenger service in the Midwest and among other regions of the United States;
- D) to work with the public and private sectors at the federal, state and local levels to ensure coordination among the various entities having an interest in passenger rail service and to promote Midwestern interests regarding passenger rail; and
- E) to support efforts of transportation agencies involved in developing and implementing passenger rail service in the Midwest.

#### **ARTICLE II**

##### **ESTABLISHMENT OF COMMISSION**

To further the purposes of the compact, a Commission is created to carry out the duties specified in this compact.

#### **ARTICLE III**

##### **COMMISSION MEMBERSHIP**

The manner of appointment of Commission members, terms of office consistent with the terms of this compact, provisions for removal and suspension, and manner of appointment to fill vacancies shall be determined by each party state pursuant to its laws, but each commissioner shall be a resident of the state of appointment. Commission members shall serve without compensation from the Commission.

The Commission shall consist of four resident members of each state as follows: The governor or the governor's designee who shall serve during the tenure of office of the governor, or until a successor is named; one member of the private sector who shall be appointed by the governor and shall serve during the tenure of office of the governor, or until a successor is named; and two legislators, one from each legislative chamber (or two legislators from any unicameral legislature), who shall serve two-year terms, or until successors are appointed, and who shall be appointed by the appropriate appointing authority in each legislative chamber. All vacancies shall be filled in accordance with the laws of the appointing states. Any commissioner appointed to fill a vacancy shall serve until the end of the incomplete term. Each member state shall have equal voting privileges, as determined by the Commission bylaws.

#### **ARTICLE IV**

##### **POWERS AND DUTIES OF THE COMMISSION**

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The duties of the Commission are to:

- 1) advocate for the funding and authorization necessary to make passenger rail improvements a reality for the region;
- 2) identify and seek to develop ways that states can form partnerships, including with rail industry and labor, to implement improved passenger rail in the region;
- 3) seek development of a long-term, interstate plan for high speed rail passenger service implementation;
- 4) cooperate with other agencies, regions and entities to ensure that the Midwest is adequately represented and integrated into national plans for passenger rail development;
- 5) adopt bylaws governing the activities and procedures of the Commission and addressing, among other subjects: the powers and duties of officers; the voting rights of Commission members, voting procedures, Commission business, and any other purposes necessary to fulfill the duties of the commission;
- 6) expend such funds as required to carry out the powers and duties of the Commission; and
- 7) report on the activities of the Commission to the legislatures and governor of the member states on an annual basis.

In addition to its exercise of these duties, the Commission is empowered to:

- 1) provide multistate advocacy necessary to implement passenger rail systems or plans, as approved by the Commission;
- 2) work with local elected officials, economic development planning organizations, and similar entities to raise the visibility of passenger rail service benefits and needs;
- 3) educate other state officials, federal agencies, other elected officials and the public on the advantages of passenger rail as an integral part of an intermodal transportation system in the region;
- 4) work with federal agency officials and Members of Congress to ensure the funding and authorization necessary to develop a long-term, interstate plan for high speed rail passenger service implementation.
- 5) make recommendations to member states;
- 6) if requested by each state participating in a particular project and under the terms of a formal agreement approved by the participating states and the Commission, implement or provide oversight for specific rail projects;
- 7) establish an office and hire staff as necessary;
- 8) contract for or provide services;
- 9) assess dues, in accordance with the terms of this compact;
- 10) conduct research; and
- 11) establish committees.

#### ARTICLE V OFFICERS

The Commission shall annually elect from among its members a chair, a vice-chair who shall not be a resident of the state represented by the chair, and others as approved in the Commission bylaws. The officers shall perform

such functions and exercise such powers as are specified in the Commission bylaws.

#### **ARTICLE VI**

##### **MEETINGS AND COMMISSION ADMINISTRATION**

The Commission shall meet at least once in each calendar year, and at such other times as may be determined by the Commission. Commission business shall be conducted in accordance with the procedures and voting rights specified in the bylaws.

#### **ARTICLE VII**

##### **FINANCE**

Except as otherwise provided for, the monies necessary to finance the general operations of the Commission in carrying forth its duties, responsibilities and powers as stated herein shall be appropriated to the Commission by the compacting states, when authorized by the respective legislatures, by equal apportionment among the compacting states. Nothing in this compact shall be construed to commit a member state to participate in financing a rail project except as provided by law of a member state.

The Commission may accept, for any of its purposes and functions, donations, gifts, grants, and appropriations of money, equipment, supplies, materials and services from the federal government, from any party state or from any department, agency, or municipality thereof, or from any institution, person, firm, or corporation. All expenses incurred by the Commission in executing the duties imposed upon it by this compact shall be paid by the Commission out of the funds available to it. The Commission shall not issue any debt instrument. The Commission shall submit to the officer designated by the laws of each party state, periodically as required by the laws of each party state, a budget of its actual past and estimated future expenditures.

#### **ARTICLE VIII**

##### **ENACTMENT, EFFECTIVE DATE AND AMENDMENTS**

The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin are eligible to join this compact. Upon approval of the Commission, according to its bylaws, other states may also be declared eligible to join the compact. As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law; provided that it shall not become initially effective until enacted into law by any three (3) party states incorporating the provisions of this compact into the laws of such states. Amendments to the compact shall become effective upon their enactment by the legislatures of all compacting states.

#### **ARTICLE IX**

##### **WITHDRAWAL, DEFAULT AND TERMINATION**

Withdrawal from this compact shall be by enactment of a statute repealing the same and shall take effect one year after the effective date of such statute. A withdrawing state shall be liable for any obligations which it may have incurred prior to the effective date of withdrawal.

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If any compacting state shall at any time default in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the Commission, and the Commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless such default shall be remedied under the stipulations and within the time period set forth by the Commission, this compact may be terminated with respect to such defaulting state by affirmative vote of a majority of the other Commission members. Any such defaulting state may be reinstated, upon vote of the Commission, by performing all acts and obligations as stipulated by the Commission.

#### ARTICLE X

##### CONSTRUCTION AND SEVERABILITY

The provisions of this compact entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected hereby. If this compact entered into hereunder shall be held contrary to the constitution of any compacting state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as the estate affected as to all severable matters. The provisions of this compact entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.

**[680.175. INTERSTATE HIGH SPEED INTERCITY RAIL PASSENGER NETWORK COMPACT.**— The "Interstate High Speed Intercity Rail Passenger Network Compact", as consented to by the United States Congress in Public Law 98-358, is hereby ratified, enacted into law and entered into by the State of Missouri with all other states legally joining therein in the form substantially as follows:

#### INTERSTATE HIGH SPEED

#### INTERCITY RAIL

#### PASSENGER NETWORK COMPACT

#### ARTICLE I — POLICY AND PURPOSE

Because the beneficial service of and profitability of a high speed intercity rail passenger system would be enhanced by establishing such a system which would operate across state lines it is the policy of the states party to this compact to cooperate and share jointly the administrative and financial responsibilities of preparing a feasibility study concerning the operation of such a system connecting major cities in Ohio, Indiana, Michigan, Pennsylvania, Illinois, Missouri, and any other State which subsequently becomes a participant through enactment of the compact.

#### ARTICLE II — COOPERATION

The states of Ohio, Indiana, Michigan, Pennsylvania, Illinois, Missouri and all other states which subsequently enter into this compact, hereinafter referred to as "participating states", agree to, upon adoption of this compact by the respective states, jointly conduct and participate in a high speed intercity rail passenger feasibility study by providing such information and data as is available and may be requested by a participating state or any consulting firms representing a participating state or the compact. It is mutually understood by the participating states that such information shall not include matters not of public record or of a nature considered to be privileged and confidential unless the state providing such information agrees to waive the confidentiality.

The participating states further agree to:

(A) Make available to each other and to any consulting firm representing the member states or the compact such assistance as may be legal, proper and available, including, but not limited to personnel, equipment, office space, machinery, computers, engineering and technical advice and services; and

(B) Provide such financial assistance for the implementation of the feasibility study as may be legal, proper and available.

#### ARTICLE III — INTERSTATE RAIL PASSENGER ADVISORY COUNCIL

There is hereby created an interstate rail passenger advisory council, the membership of which shall consist of three representatives from each participating state. One representative shall be a member of the senate of the participating state, appointed by the president pro tem of the senate of such state, one representative shall be a member of the house of representatives of the participating state, appointed by the speaker of the house of representatives of such state, and one representative shall be from the state's railroad industry, appointed by the governor of the participating state. The members shall select designees who shall serve in the absence of the members. The advisory council shall meet within thirty days after ratification of this agreement by at least two participating states and establish rules for the conduct of the advisory council's business.

The Advisory Council shall coordinate all aspects of the high speed intercity rail passenger feasibility study relative to interstate connections and shall do all other things necessary and proper for the completion of the feasibility study.

#### ARTICLE IV — EFFECTIVE DATE

This compact shall become effective upon the adoption of the compact into law by two or more of the participating states. Thereafter, it shall enter into force and effect as to any other participating state upon the enactment thereof by such state.

This compact shall continue in force with respect to a participating state and remain binding upon such state until six months after such state has given notice to each other participating state of the repeal thereof, such withdrawal shall not be construed to relieve any participating state from any obligation incurred prior to the end of the state's participation in the compact as provided herein.

#### ARTICLE V — CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase,

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clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby, if this compact shall be held contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.]

Approved June 27, 2000

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## HB 1376 [HB 1376]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Allows the tour of state facilities by new members of the General Assembly to be any time of the year.**

AN ACT to repeal section 21.183, RSMo 1994, relating to inspection of state institutions, and to enact in lieu thereof one new section relating to the same subject.

### SECTION

A. Enacting clause.

21.183. Freshman tour of state institutions by newly elected members — expenses.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Section 21.183, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 21.183, to read as follows:

**21.183. FRESHMAN TOUR OF STATE INSTITUTIONS BY NEWLY ELECTED MEMBERS — EXPENSES.**— 1. The chairman of the senate **appropriations committee** and house [appropriations committees] **budget committee** shall[, during the first two weeks of December of each year following a general election,] arrange for and supervise a schedule for the personal visitation and inspection of state-supported institutions by persons elected to membership in the general assembly for the first time.

2. The schedule of visits and inspection of state institutions by newly elected senators shall be arranged for and supervised by the chairman of the senate

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appropriations committee and those for newly elected members of the house of representatives by the chairman of the house [appropriations] **budget** committee.

3. The staff of the committee on legislative research shall furnish to the [chairman] **chairmen** of the respective appropriations **and budget** committees such research, secretarial and clerical assistance as they require and such staff personnel as may be requested to accompany the members on trips of inspection to the several state institutions.

4. All persons making these visits and inspections as provided in this section are entitled to reimbursement for the actual and necessary expenses incurred to be paid out of the senate or house contingent funds, as the case may be.

Approved June 27, 2000

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## HB 1386 [HCS HB 1386 & 1086]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Creates the crime of financial exploitation of an elderly or disabled person.**

AN ACT to amend chapter 570, RSMo, relating to stealing and related offenses by adding thereto one new section relating to financial exploitation of the elderly or disabled, with penalty provisions.

#### SECTION

A. Enacting clause.

570.145. Financial exploitation of the elderly and disabled, penalty — definitions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Chapter 570, RSMo, is amended by adding thereto one new section, to be known as section 570.145, to read as follows:

**570.145. FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED, PENALTY — DEFINITIONS.— 1. A person is guilty of the offense of financial exploitation of an elderly or disabled person if such person stands in a position of trust and confidence with the elderly or disabled person, and such person knowingly and by deception or intimidation obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his or her property thereby benefiting such person or detrimentally affecting the elderly or disabled person. Financial exploitation of an elderly or disabled person is a class A misdemeanor if the value of the property is less than two hundred fifty**

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dollars and a class C felony if the value of the property is two hundred fifty dollars or more.

2. For purposes of this section, the following terms mean:

(1) "Deception", a misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or preexisting condition of any of the property involved in such contract or agreement, or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement. "Deception" includes:

(a) Creating or confirming another person's impression which is false and which the offender does not believe to be true; or

(b) Failure to correct a false impression which the offender previously has created or confirmed; or

(c) Preventing another person from acquiring information pertinent to the disposition of the property involved; or

(d) Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or

(e) Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform;

(2) "Disabled person", a person who suffers from a physical or mental impairment resulting from disease, injury, functional disorder or congenital condition which renders such person incapable of avoiding or preventing the commission of an offense;

(3) "Elderly person", a person sixty years of age or older who is suffering from a disease or infirmity associated with advanced age and manifested by physical, mental or emotional dysfunctioning to the extent that such person is incapable of avoiding or preventing the commission of the offense;

(4) "Intimidation", the communication to an elderly or disabled person that he or she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

3. For purposes of this section, a person stands in a position of trust and confidence with an elderly or disabled person when such person:

(1) Is a parent, spouse, adult child or other relative by blood or marriage of the elderly or disabled person;

(2) Is a joint tenant or tenant in common with the elderly or disabled person with knowledge of such relationship;

(3) Has a legal or fiduciary relationship with the elderly or disabled person; or

(4) Has a relationship with the elderly or disabled person as a health care or personal care worker.

4. Nothing in this section shall be construed to limit the remedies available to the victim pursuant to any state law relating to domestic violence.

5. Nothing in this section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.

6. Nothing in this section shall limit the ability to engage in bona fide estate planning, to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.

7. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.

Approved June 27, 2000

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## HB 1428 [HB 1428]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Establishes a memorial on the Capitol grounds for workers killed or injured on the job in the state.**

AN ACT to repeal section 294.011, RSMo Supp. 1999, and to enact in lieu thereof two new sections relating to certain employees.

### SECTION

A. Enacting clause.

8.900. Memorial for workers killed or disabled on the job — committee created, members, qualifications — fund established, investment, fund not to lapse into general revenue.

294.011. Definitions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 294.011, RSMo Supp. 1999, is repealed and two new sections enacted in lieu thereof, to be known as sections 8.900 and 294.011, to read as follows:

**8.900. MEMORIAL FOR WORKERS KILLED OR DISABLED ON THE JOB — COMMITTEE CREATED, MEMBERS, QUALIFICATIONS — FUND ESTABLISHED, INVESTMENT, FUND NOT TO LAPSE INTO GENERAL REVENUE. — 1. A permanent memorial for workers who were killed on the job in Missouri or who suffered an on- the-job injury that resulted in a permanent disability shall be**

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established and located on the grounds of the state capitol. The memorial shall be of a design selected by a competition organized by the "Workers Memorial Committee" which is hereby created. The workers memorial committee shall be composed of the members of the board of public buildings, or their designees, two members of the house of representatives, one from each political party, selected by the speaker of the house and two members of the senate, one from each political party, selected by the president pro tem of the senate. The members of the committee shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the committee.

2. There is hereby established in the state treasury the "Workers Memorial Fund". Gifts, grants and devises may be deposited in the workers memorial fund. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund shall not revert to general revenue. The state treasurer shall invest the moneys from the fund in the same manner as other state funds are invested. Interest accruing to the fund shall be deposited in the fund and shall not be transferred to the general revenue fund.

**294.011. DEFINITIONS.** — As used in this chapter, the following terms mean:

- (1) "Child", an individual under sixteen years of age;
- (2) "Commission", the labor and industrial relations commission;
- (3) "Department", the department of labor and industrial relations;
- (4) "Department director", the director of the department of labor and industrial relations;
- (5) "Director", director of the division of labor standards;
- (6) "Division", the division of labor standards;
- (7) "Employ", engage a child in gainful employment for wages or other remuneration except where the child is working under the direct control of the parent, legal custodian or guardian of the child. The term "employ" shall not include the performance of the following services by a child twelve years of age or older:
  - (a) The delivery or sales of newspapers, magazines or periodicals;
  - (b) Child care;
  - (c) Occasional yard or farm work performed by a child with the knowledge and consent of his or her parent, legal custodian or guardian. Such work shall include the use of lawn and garden machinery in domestic service at or around a private residence, provided that, there shall be an agreement between an occupant of the private residence and the child, and by no other person, firm or corporation, other than a parent, legal custodian or guardian of the child, for the performance of such work;
  - (d) Participating in a youth sporting event as a [player,] referee, coach or other position necessary to the sporting event; except that, this paragraph shall not include working at a concession stand. For purposes of this paragraph, "youth sporting event" means an event where all players are under the age of eighteen and the event is sponsored and supervised by a public body or a not for profit entity; or

(e) Any other part-time employment performed by a child with the knowledge and consent of his or her parent, legal custodian or guardian not specifically prohibited by section 294.040.

Approved July 12, 2000

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HB 1434 [HCS HB 1434]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Regulates amusement ride providers.**

AN ACT to repeal sections 316.203 and 316.209, RSMo Supp. 1999, relating to regulation of amusement rides, and to enact in lieu thereof five new sections relating to the same subject, with an effective date.

SECTION

A. Enacting clause.

316.203. Definitions.

316.204. Amusement ride safety board established — members — meetings, when.

316.205. Amusement ride safety board — powers and duties — rulemaking.

316.209. Operation of ride to cease, when — notification of serious incident to fire marshal — inspection, costs.

316.210. Amusement ride operation, qualifications — inspection, insurance, bond, permit.

B. Effective date.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Sections 316.203 and 316.209, RSMo Supp. 1999, are repealed and five new sections enacted in lieu thereof, to be known as sections 316.203, 316.204, 316.205, 316.209 and 316.210, to read as follows:

**316.203. DEFINITIONS.**— As used in sections 316.203 to 316.233, the following terms mean:

(1) "Amusement ride", any mechanical device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure or excitement;

(2) "Department", the department of public safety;

(3) "Director", the director of the department of public safety;

(4) "Operator", a person or the agent of a person who owns or controls, or has the duty to control, the operation of an amusement or ride or related electrical equipment;

(5) "Owner", a person who owns, leases, controls or manages the operations of an amusement ride and may include the state or any political subdivision of the state;

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- (6) "Qualified inspector", any person who is:
- (a) Found by the director to possess the requisite training and experience in respect of amusement rides to perform competently the inspections required by sections 316.203 to 316.233; or
  - (b) Certified by the [North American] **National Association of Amusement Ride Safety Officials (NAARSO)** to have and maintain at least a level one certification; **or**
  - (c) **Is a member of the Amusement Industry Manufacturing and Suppliers (AIMS) and meets such qualifications as are established by the board;**
- (7) "Related electrical equipment", any electrical apparatus or wiring used in connection with amusement rides;
- (8) "Safety rules", the rules and regulations governing rider conduct on an amusement ride, provided such rules and regulations are prominently displayed at or near the entrance to, or loading platform for, the amusement ride; [and]
- (9) "Serious physical injury", [any physical injury that results in death or causes admission to a medical care facility with a physical condition determined to be serious as a direct result of the maintenance, operation or use of the amusement park ride.] **a patron personal injury immediately reported to the owner or operator as occurring on an amusement ride and which results in death, dismemberment, significant disfigurement or other significant injury that requires immediate in-patient admission and twenty-four-hour hospitalization under the care of a licensed physician for other than medical observation;**
- (10) "Serious incident", any single incident where three or more persons are immediately transported to a licensed off-site medical care facility for treatment of an injury as a result of being on or the operation of the amusement ride; and
- (11) "Board", the amusement ride safety board appointed as provided in sections 316.203 to 316.233.

**316.204. AMUSEMENT RIDE SAFETY BOARD ESTABLISHED — MEMBERS — MEETINGS, WHEN. — 1. There is hereby established an "Amusement Ride Safety Board" to be composed of nine members, one of whom shall be the state fire marshal or the marshal's designee. The remaining eight members of the board shall be appointed by the governor with the advice and consent of the senate. Each member appointed by the governor shall be appointed for a staggered term of five years or until his or her successor is appointed. The governor shall fill any vacancy on the board for the remainder of the unexpired term with a representative of the same interest as that of the member whose term is vacant. No more than four members of the board, who are not employees of state or local government shall be members of the same political party.**

**2. Three members of the board shall represent the interests of small amusement ride businesses that operate in this state. Three members of the board shall represent the interests of the fixed amusement ride parks. One**

member of the board shall be a resident of this state. One member of the board shall be a mechanical engineer knowledgeable of amusement rides.

3. The state fire marshal shall call the first meeting of the board within sixty days after all members have been appointed and qualified. The members from among their membership shall elect a chairperson. After the initial meeting the members shall meet at the call of the chairperson, but shall meet at least three times per year. Five members of the board shall constitute a quorum.

4. The members of the board shall receive no compensation for their services, and shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

**316.205. AMUSEMENT RIDE SAFETY BOARD — POWERS AND DUTIES — RULEMAKING.** — 1. The amusement ride safety board shall have the following powers:

(1) To consult with engineering authorities and organizations who are studying and developing amusement ride safety standards;

(2) To adopt a code of rules and regulations governing maintenance, testing, operation, and inspection of amusement rides. The board shall have the power to adopt a safety code only for those types of amusement rides defined in the statutes. In promulgating the amusement ride safety code the board may consider any existing or future American Society for Testing and Materials (ASTM) safety standards affecting amusement rides as defined in sections 316.203 to 316.233, or any other nationally acceptable standard;

(3) To make recommendations to the state fire marshal concerning the board's findings on safety issues related to amusement rides.

2. No rule or portion of a rule promulgated pursuant to this section shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo.

**316.209. OPERATION OF RIDE TO CEASE, WHEN — NOTIFICATION OF SERIOUS INCIDENT TO FIRE MARSHAL — INSPECTION, COSTS.** — The operator of an amusement ride shall immediately cease to operate any ride upon which a fatality [or], serious physical injury or **serious incident** has occurred. The owner of such amusement ride shall [send by mail or facsimile a copy of an accident report of serious physical injury or death to the director within twenty-four hours of the accident] **immediately notify the office of the state fire marshal of such accident.** The cessation shall remain in force until the department has performed an inspection of any such amusement ride or equipment and has determined that the ride or related equipment is safe for public use. The department shall cause such inspection to be initiated within twenty-four hours of receipt of the report of a fatality [or], serious physical injury or **serious incident** caused by the [failure or malfunction] **operation** of an amusement ride and shall perform the inspection in a manner that proceeds with all practicable speed and minimizes the disruption of the amusement facility at which the amusement ride is located, as well as unrelated commercial activities. Such inspection shall be performed by a qualified inspector

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employed by the department either directly or through contract. The cost of any such inspection shall be paid for by the owner of the amusement ride. Such inspections may be completed immediately following the reasonable determination by the qualified inspector **or by the director's designee** that a principal cause of the serious physical injury was the victim's failure to comply with the **posted** safety rules **or with verbal instructions**.

**316.210. AMUSEMENT RIDE OPERATION, QUALIFICATIONS — INSPECTION, INSURANCE, BOND, PERMIT. — 1. A person shall not operate an amusement ride unless the owner:**

- (1) Has the amusement ride inspected at least once annually by a qualified inspector, whom the owner or an insurer has provided to perform such inspection, and obtains from such qualified inspector written documentation that the inspection has been made and that the amusement ride meets nationally recognized inspection standards and is covered by the insurance required by subdivision (2) of this subsection;**
  - (2) Has:**
    - (a) An insurance policy currently in force written by an insurance company authorized to do business in this state in an amount of not less than one million dollars per occurrence;**
    - (b) A bond in the same amount as such person's policy from paragraph (a) of this subdivision, provided that the aggregate liability of the surety under such bond shall not exceed the face amount of the bond; or**
    - (c) Cash or other surety acceptable to the department;**
  - (3) Files with the department the inspection report and certificate of insurance verifying the policy required by this section or a photocopy of such documentation or certificate; and**
  - (4) Has been issued a state-operating permit by the department and affixed such permit to designated amusement ride. Such permit fee shall not exceed actual administrative costs.**
- 2. The inspection required pursuant to subdivision (1) of subsection 1 of this section shall be conducted at a minimum to meet the manufacturer's or engineer's recommendations.**
- 3. All fees collected pursuant to this section shall be deposited to the credit of the general revenue fund.**

**SECTION B. EFFECTIVE DATE. — Sections 316.203 to 316.210 shall become effective on January 1, 2001.**

Approved June 27, 2000

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Exempts from tax and public assistance eligibility determination Holocaust reparations and creates tax credit for unplanned pregnancy centers.**

AN ACT to amend chapter 143, RSMo, and chapter 208, RSMo, by adding thereto two new sections relating to restitution to victims of the Nazi Holocaust.

**SECTION**

- A. Enacting clause.
- 143.127. Deduction for restitution received by victims of National Socialist (Nazi) persecution.
- 208.750. Restitution payments to victims of National Socialist (Nazi) persecution not income in determining eligibility.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Chapter 143, RSMo, and chapter 208, RSMo, are amended by adding thereto two new sections, to be known as sections 143.127 and 208.750, to read as follows:

**143.127. DEDUCTION FOR RESTITUTION RECEIVED BY VICTIMS OF NATIONAL SOCIALIST (NAZI) PERSECUTION.**— **1. For all tax years beginning on or after January 1, 2000, the following amounts received by an individual or returns and payments to, an individual shall be subtracted from such individual's federal adjusted gross income, to the extent such amounts, returns or payments are included in such individual's federal adjusted gross income:**

- (1) Amounts received as reparations or restitution for the loss of liberty or life or damage to health by the victims of National Socialist (Nazi) persecution;**
- (2) Returns of tangible or intangible property seized, misappropriated or lost as a result of National Socialist (Nazi) actions or policies and any cash values in replacement of such property;**
- (3) Payments of insurance policies purchased prior to December 31, 1945 by the victims of National Socialist (Nazi) persecution; and**
- (4) Any accumulated or accrued interest on such amounts, returns or payments.**

**2. The subtraction of the amounts, returns or payments from an individual's Missouri adjusted gross income shall only apply if such individual was a victim of National Socialist (Nazi) persecution, actions or policies or is the spouse or descendant of a victim of National Socialist (Nazi) persecution, actions or policies, and such individual or family member is the first recipient of such amounts, returns or payments.**

**3. As used in this section, National Socialist (Nazi) persecution, actions and policies means persecution, actions or policies taken by Germany and other countries, or by organizations, institutions and companies within those countries, against the victims of the Nazi Holocaust.**

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**208.750. RESTITUTION PAYMENTS TO VICTIMS OF NATIONAL SOCIALIST (NAZI) PERSECUTION NOT INCOME IN DETERMINING ELIGIBILITY.— 1. The following amounts received by an individual or returns and payments to, an individual shall not be considered income, resources or assets when determining the amount of, or eligibility for, any public assistance, benefit, entitlement or tax relief to such individual pursuant to any state or state-assisted program:**

**(1) Amounts received as reparations or restitution for the loss of liberty or life or damage to health by the victims of National Socialist (Nazi) persecution;**

**(2) Returns of tangible or intangible property seized, misappropriated or lost as a result of National Socialist (Nazi) actions or policies and any cash values in replacement of such property;**

**(3) Payments of insurance policies purchased prior to December 31, 1945 by the victims of National Socialist (Nazi) persecution; and**

**(4) Any accumulated or accrued interest on such amounts, returns or payments.**

**2. The nonconsideration of the amounts, returns or payments as income, resources or assets of an individual shall only apply if such individual was a victim of National Socialist (Nazi) persecution, actions or policies or is the spouse or descendant of a victim of National Socialist (Nazi) persecution, actions or policies and such family member is the first recipient of such amounts, returns or payments.**

**3. As used in this section, National Socialist (Nazi) persecution, actions and policies means persecution, actions or policies taken by Germany and other countries, or by organizations, institutions and companies within those countries, against the victims of the Nazi Holocaust.**

Approved June 8, 2000

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HB 1454 [SCS HB 1454]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Environmental control.**

AN ACT to repeal section 260.285, RSMo Supp. 1999, relating to environmental control, and to enact in lieu thereof one new section relating to environmental control tax incentives, with an emergency clause.

SECTION

A. Enacting clause.

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- 260.285. Manufacturer recycling flexible cellulose casing eligible for tax credit — claim procedure — fraudulent claim, penalty.
- B. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Section 260.285, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 260.285, to read as follows:

**260.285. MANUFACTURER RECYCLING FLEXIBLE CELLULOSE CASING ELIGIBLE FOR TAX CREDIT — CLAIM PROCEDURE — FRAUDULENT CLAIM, PENALTY.**— 1. Any manufacturer engaged in this state in production of a meat or poultry food product intended for human consumption that is recycling flexible cellulose casing manufactured from cotton linters used and consumed directly in the production of such food product shall be eligible for a credit as defined in subsection 2 of this section. **For purposes of this section, "cotton linters" means fibers from any plant or wood pulp material used for the creation of flexible cellulose casings.**

2. The credit authorized in subsection 1 shall be equal to the amount of state sales or use taxes paid by a manufacturer to a retailer on such packaging material which is subsequently recycled by either the manufacturer or other person or entity to which the manufacturer conveys such packaging materials, less any consideration received by the manufacturer for such conveyance.

3. A manufacturer shall claim the refund in the month following the month in which the material has been recycled or conveyed for recycling. When claiming a credit pursuant to this section, a manufacturer shall provide a detailed accounting of the amount of packaging material recycled, amount of sales or use tax paid on such material, an affidavit attesting that the manufacturer is eligible pursuant to the provisions of this section for the credit being claimed, **documentation that the activity constitutes recycling as certified by the director of the department of natural resources** and any other documentation determined necessary by the director of the department of revenue. The director shall refund any valid credit claims within sixty days of receipt. If the director determines that a fraudulent claim for the credit has been filed, the director may assess a penalty in an amount not to exceed twice the amount of fraudulent credits claimed.

4. Payment of credits authorized by this section shall not alter the liability of a retailer regarding sales tax on such material. Credits authorized by this section shall be paid from funds appropriated for the refund of taxes.

[5. This section shall become effective October 1, 1991.]

**SECTION B. EMERGENCY CLAUSE.**— Because of the need to insure the integrity and equality of treatment of manufacturing taxpayers, the repeal and reenactment of section 260.285 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and

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reenactment of section 260.285 shall be in full force and effect upon its passage and approval.

Approved June 27, 2000

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HB 1486 [HB 1486]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Allows community college maintenance and repair funds to be used for salaries on approved maintenance and repair projects.**

AN ACT to repeal section 163.191, RSMo 1994, relating to state aid to community colleges, and to enact in lieu thereof one new section relating to the same subject.

SECTION

A. Enacting clause.

163.191. State aid to community colleges — distribution to be based on resource allocation model, adjustment annually, factors involved — report on effectiveness of model, due when.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 163.191, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 163.191, to read as follows:

**163.191. STATE AID TO COMMUNITY COLLEGES — DISTRIBUTION TO BE BASED ON RESOURCE ALLOCATION MODEL, ADJUSTMENT ANNUALLY, FACTORS INVOLVED — REPORT ON EFFECTIVENESS OF MODEL, DUE WHEN.** — 1. Each year public community colleges in the aggregate shall be eligible to receive from state funds, if state funds are available and appropriated, an amount up to but not more than fifty percent of the state community colleges' planned operating costs as determined by the department of higher education. As used in this subsection, the term "year" means from July first to June thirtieth of the following year. As used in this subsection, the term "operating costs" means all costs attributable to current operations, including all direct costs of instruction, instructors' and counselors' compensation, administrative costs, all normal operating costs and all similar noncapital expenditures during any year, excluding costs of construction of facilities and the purchase of equipment, furniture, and other capital items authorized and funded in accordance with subsection 2 of this section. Operating costs shall be computed in accordance with accounting methods and procedures to be specified by the department of higher education. The department of higher education shall review all institutional budget requests and prepare appropriation

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recommendations annually for the community colleges under the supervision of the department. The department's budget request shall include a recommended level of funding. Distribution of appropriated funds to community college districts shall be in accordance with the community college resource allocation model. This model shall be developed and revised as appropriate cooperatively by the community colleges and the department of higher education. The department of higher education shall recommend the model to the coordinating board for higher education for their approval. The core funding level for each community college shall initially be established at an amount agreed upon by the community colleges and the department of higher education. This amount will be adjusted annually for inflation, limited growth, and program improvements in accordance with the resource allocation model starting with fiscal year 1993. The department of higher education shall request new and separate state aid funds for any new districts for their first six years of operation. The request for the new districts shall be based upon the same level of funding being provided to the existing districts, and should be sufficient to provide for the growth required to reach a mature enrollment level. The department of higher education will be responsible for evaluating the effectiveness of the resource allocation model and will submit a report to the speaker of the house of representatives and president pro tem of the senate by November 1997, and every four years thereafter.

2. In addition to state funds received for operating purposes, each community college district shall be eligible to receive an annual appropriation for the cost of maintenance and repair of facilities and grounds, and purchases of equipment and furniture. Such funds shall not exceed in any year an amount equal to ten percent of the state appropriations to community college districts for operating purposes during the most recently completed fiscal year. The department of higher education may include in its annual appropriations request the necessary funds to implement the provisions of this subsection and when appropriated shall distribute the funds to each community college district as appropriated. The department of higher education appropriations request shall be for specific maintenance, repair, and equipment projects at specific community college districts, shall be in an amount of fifty percent of the cost of a given project as determined by the coordinating board and shall be only for projects which have been approved by the coordinating board through a process of application, evaluation and approval as established by the coordinating board. The coordinating board, as part of its process of application, evaluation, and approval, shall require the community college district to provide proof that the fifty percent share of funding to be defrayed by the district is either on hand or committed for maintenance, repair, and equipment projects. [No part of the fifty percent commitment shall be used for salaries or portions of salaries.]

**Only salaries or portions of salaries paid which are directly related to approved projects may be used as a part of the fifty percent share of funding.**

3. School districts offering two-year college courses [under] **pursuant to** section 178.370, RSMo, on October 31, 1961, shall receive state aid [under] **pursuant to** subsections 1 and 2 of this section if all scholastic standards established [under and] pursuant to sections 178.770 to 178.890, RSMo, are met.

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4. In order to make postsecondary educational opportunities available to Missouri residents who do not reside in an existing community college district, community colleges organized [under the provisions of] **pursuant to** section 178.370, RSMo, or sections 178.770 to 178.890, RSMo, shall be authorized [under] **pursuant to** the funding provisions of this section to offer courses and programs outside the community college district with prior approval by the coordinating board for higher education. The classes conducted outside the district shall be self-sustaining except that the coordinating board shall promulgate rules to reimburse selected out-of-district instruction only where prior need has been established in geographical areas designated by the coordinating board for higher education. Funding for such off-campus instruction shall be included in the appropriation recommendations, shall be determined by the general assembly and shall continue, within the amounts appropriated therefor, unless the general assembly disapproves the action by concurrent resolution.

5. A "community college" is an institution of higher education deriving financial resources from local, state, and federal sources, and providing postsecondary education primarily for persons above the twelfth grade age level, including courses in:

- (1) Liberal arts and sciences, including general education;
- (2) Occupational, vocational-technical; and
- (3) A variety of educational community services.

Community college course offerings lead to the granting of certificates, diplomas, and/or associate degrees, but do not include baccalaureate or higher degrees.

6. When distributing state aid authorized for community colleges, the state treasurer may, in any year if requested by a community college, disregard the provision in section 30.180, RSMo, requiring the state treasurer to convert the warrant requesting payment into a check or draft and wire transfer the amount to be distributed to the community college directly to the community college's designated deposit for credit to the community college's account.

Approved June 27, 2000

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## HB 1509 [HB 1509]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Revises unlawful merchandising practices.**

AN ACT to repeal section 407.025, RSMo Supp. 1999, relating to unlawful merchandising practices, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SECTION

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A. Enacting clause.

407.025. Civil action to recover damages — class actions authorized, when — procedure.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Section 407.025, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 407.025, to read as follows:

**407.025. CIVIL ACTION TO RECOVER DAMAGES — CLASS ACTIONS**

**AUTHORIZED, WHEN — PROCEDURE.**— 1. Any person who purchases or leases [goods or services] **merchandise** primarily for personal, family or household purposes and thereby suffers an ascertainable loss of money or property, real or personal, as a result of the use or employment by another person of a method, act or practice declared unlawful by section 407.020, may bring a private civil action in either the circuit court of the county in which the seller or lessor resides or in which the transaction complained of took place, to recover actual damages. The court may, in its discretion, award punitive damages and may award to the prevailing party attorney's fees, based on the amount of time reasonably expended, and may provide such equitable relief as it deems necessary or proper.

2. Persons entitled to bring an action [under] **pursuant to** subsection 1 of this section may, if the unlawful method, act or practice has caused similar injury to numerous other persons, institute an action as representative or representatives of a class against one or more defendants as representatives of a class, and the petition shall allege such facts as will show that these persons or the named defendants specifically named and served with process have been fairly chosen and adequately and fairly represent the whole class, to recover damages as provided for in subsection 1 of this section. The plaintiff shall be required to prove such allegations, unless all of the members of the class have entered their appearance, and it shall not be sufficient to prove such facts by the admission or admissions of the defendants who have entered their appearance. In any action brought [under] **pursuant to** this section, the court may in its discretion order, in addition to damages, injunction or other equitable relief and reasonable attorney's fees.

3. An action may be maintained as a class action in a manner consistent with Rule 23 of the Federal Rules of Civil Procedure and Missouri rule of civil procedure 52.08 to the extent such state rule is not inconsistent with the federal rule if:

- (1) The class is so numerous that joinder of all members is impracticable;
  - (2) There are questions of law or fact common to the class;
  - (3) The claims or defenses of the representative parties are typical of the claims or defenses of the class; and
  - (4) The representative parties will fairly and adequately protect the interests of the class; and, in addition
  - (5) The prosecution of separate action by or against individual members of the class would create a risk of:
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(a) Inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class; or

(b) Adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests; or

(6) The party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole; or

(7) The court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The matters pertinent to the findings include:

(a) The interest of members of the class in individually controlling the prosecution or defense of separate actions;

(b) The extent and nature of any litigation concerning the controversy already commenced by or against members of the class;

(c) The desirability or undesirability of concentrating the litigation of the claims in the particular forum;

(d) The difficulties likely to be encountered in the management of a class action.

4. (1) As soon as practicable after the commencement of an action brought as a class action, the court shall determine by order whether it is to be so maintained. An order [under] **pursuant to** this subdivision may be conditional, and may be altered or amended before the decision on the merits.

(2) In any class action maintained [under] **pursuant to** subdivision (7) of subsection 3 **of this section**, the court shall direct to the members of the class the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice shall advise each member that:

(a) The court will exclude [him in] **such member from** the class if [he] **such member** so requests by a specified date;

(b) The judgment, whether favorable or not, will include all members who do not request exclusion; and

(c) Any member who does request exclusion may, if [he] **such member** desires, enter an appearance through [his] **such member's** counsel.

(3) The judgment in an action maintained as a class action [under] **pursuant to** subdivision (5) of subsection 3 **of this section** or subdivision (6) of subsection 3 **of this section**, whether or not favorable to the class, shall include and describe those whom the court finds to be members of the class. The judgment in an action maintained as a class action [under] **pursuant to** subdivision (7) of subsection 3 **of this section**, whether or not favorable to the class, shall include and specify or describe those to whom the notice provided in subdivision (2) of subsection 4 **of this section** was directed, and who have requested exclusion, and whom the court finds to be members of the class.

(4) When appropriate an action may be brought or maintained as a class action with respect to particular issues, or a class may be divided into subclasses and each subclass treated as a class, and the provisions of this section shall then be construed and applied accordingly.

5. In the conduct of actions to which this section applies, the court may make appropriate orders:

(1) Determining the course of proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument;

(2) Requiring, for the protection of the members of the class or otherwise for the fair conduct of the action, that notice be given in such manner as the court may direct to some or all of the members of any step in the action, or of the proposed extent of the judgment, or of the opportunity of members to signify whether they consider the representation fair and adequate, to intervene and present claims or defenses, or otherwise to come into the action;

(3) Imposing conditions on the representative parties or on intervenors;

(4) Requiring that the pleadings be amended to eliminate therefrom allegations as to representation of absent persons, and that the action proceed accordingly;

(5) Dealing with similar procedural matters.

6. A class action shall not be dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise shall be given to all members of the class in such manner as the court directs.

7. Upon commencement of any action brought [under] **pursuant to** subsection 1 of this section, the plaintiff or plaintiffs shall inform the clerk of the court in which such action is brought, on forms to be provided by such clerk, that the action is brought [under] **pursuant to** this section. The clerk of the court shall forthwith inform the attorney general of the commencement of such action, together with a copy of the complaint or other initial pleading, and, upon entry of any judgment or decree in the action, the clerk shall mail a copy of such judgment or decree to the attorney general.

8. Any permanent injunction, judgment or order of the court made [under] **pursuant to** section 407.100 shall be prima facie evidence in an action brought [under] **pursuant to** this section that the respondent used or employed a method, act or practice declared unlawful by section 407.020.

Approved June 27, 2000

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HB 1544 [HB 1544]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Changes permitted distributions for not-for-profit corporations formed to provide liability insurance for political subdivisions.**

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AN ACT to repeal section 355.661, RSMo 1994, relating to authorized distributions by not-for-profit corporations, and to enact in lieu thereof one new section relating to the same subject.

SECTION

A. Enacting clause.

355.661. Prohibited and authorized distributions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Section 355.661, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 355.661, to read as follows:

**355.661. PROHIBITED AND AUTHORIZED DISTRIBUTIONS.**— 1. Except as authorized by [subsection 2 of this section and subsection 3] **subsections 2, 3 and 4** of this section, a corporation shall not make any distributions.

2. A mutual benefit corporation may purchase its memberships if after the purchase is completed:

(1) The corporation would be able to pay its debts as they become due in the usual course of its activities; and

(2) The corporation's total assets would at least equal the sum of its total liabilities.

3. Corporations may make distributions upon dissolution in conformity with sections 355.666 to 355.746.

**4. Business entities established for the purpose of providing insurance pursuant to sections 537.620 and 537.635, RSMo, may make distributions in conformity with those sections.**

Approved June 27, 2000

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HB 1568 [SCS HB 1568]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows health practitioners in designated outbreak areas to test certain mothers for syphilis and establishes the Office on Women's Health.**

AN ACT to repeal section 210.030, RSMo Supp. 1999, relating to women's health, and to enact in lieu thereof three new sections relating to the same subject.

SECTION

A. Enacting clause.

192.965. Office on women's health created, duties.

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192.968. Committee to advise the office on women's health created, duties.

210.030. Blood tests of pregnant women.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Section 210.030, RSMo Supp. 1999, is repealed and three new sections enacted in lieu thereof, to be known as sections 192.965, 192.968 and 210.030, to read as follows:

**192.965. OFFICE ON WOMEN'S HEALTH CREATED, DUTIES.**—There is hereby created the "Office on Women's Health" within the department of health. The duties of the office shall include, without limitation:

- (1) Assist in the assessment of the health needs of women in the state;
- (2) Provide policy analysis and recommendations to the director of the department of health on issues affecting the health and well-being of women across the life cycle;
- (3) Assist the director of the department of health in identifying issues and establishing priorities for programs, services and resources the department of health should provide;
- (4) Serve as a central location for information, resources, technical assistance and consultation about women's health for the department of health, other state agencies, local health departments and community-based organizations;
- (5) Promote coordination of and collaborative efforts among programs and services for women in the department of health, other state agencies, local health departments and community organizations; and
- (6) Increase visibility of the many diverse factors affecting the health and well-being of women in Missouri.

**192.968. COMMITTEE TO ADVISE THE OFFICE ON WOMEN'S HEALTH CREATED, DUTIES.**—To advise the chief of the office on women's health, the director of the department of health shall appoint a committee comprised of persons who have expertise in the varied issues affecting the health and well-being of women in Missouri, who reflect the geographic, racial, ethnic and socioeconomic diversity of Missouri, and who speak for communities with specific health care risks, needs and concerns.

- (1) The advisory committee and the chief of the office on women's health shall jointly identify issues pertinent to the health of women for consideration by the director of the department of health.
- (2) The advisory committee shall assist the office on women's health in analyzing issues, as requested, and providing policy advice to the chief of the office on women's health.

**210.030. BLOOD TESTS OF PREGNANT WOMEN.**—1. Every licensed physician, midwife, registered nurse and all persons who may undertake, in a professional way, the obstetrical and gynecological care of a pregnant woman in the state of Missouri shall, if the woman consents, take or cause to be taken a

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sample of venous blood of such woman at the time of the first prenatal examination, or not later than twenty days after the first prenatal examination, and subject such sample to an approved and standard serological test for syphilis, an approved serological test for hepatitis B and such other treatable diseases and metabolic disorders as are prescribed by the department of health. **In any area of the state designated as a syphilis outbreak area by the department of health, if the mother consents, a sample of her venous blood shall be taken later in the course of pregnancy and at delivery for additional testing for syphilis as may be prescribed by the department.** If a mother tests positive for hepatitis B, the physician or person who professionally undertakes the pediatric care of a newborn shall also administer the appropriate doses of hepatitis B vaccine and [gamma globulin specific for hepatitis B, or HBIG, within twelve hours of birth to infants born to mothers who are hepatitis B positive. If the results of such test are unknown within twelve hours, the hepatitis B vaccine and gamma globulin specific for hepatitis B, or HBIG, shall be administered as soon as possible.] **hepatitis B immune globulin (HBIG) in accordance with the current recommendations of the Advisory Committee on Immunization Practices (ACIP). If the mother's hepatitis B status is unknown, the appropriate dose of hepatitis B vaccine shall be administered to the newborn in accordance with the current ACIP recommendations. If the mother consents, a sample of her venous blood shall be taken. If she tests positive for hepatitis B, hepatitis B immune globulin (HBIG) shall be administered to the newborn in accordance with the current ACIP recommendations.**

2. The department of health shall, in consultation with the Missouri genetic disease advisory committee, make such rules pertaining to such tests as shall be dictated by accepted medical practice, and tests shall be of the types approved by the department of health. An approved and standard test for syphilis, hepatitis B, and other treatable diseases and metabolic disorders shall mean a test made in a laboratory approved by the department of health. No individual shall be denied testing by the department of health because of inability to pay.

Approved June 27, 2000

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## HB 1591 [SCS HB 1591]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Allows a nursing home administrator to retire his or her license.**

AN ACT to repeal section 344.040, RSMo 1994, relating to nursing home administrators, and to enact in lieu thereof two new sections relating to the same subject.

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## SECTION

- A. Enacting clause.
- 344.040. License renewal, application for, fee — late renewal, effect — additional disciplinary action authorized, when.
- 344.105. Retired licenses permitted, when, procedure.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Section 344.040, RSMo 1994, is repealed and two new sections enacted in lieu thereof, to be known as sections 344.040 and 344.105, to read as follows:

**344.040. LICENSE RENEWAL, APPLICATION FOR, FEE — LATE RENEWAL, EFFECT — ADDITIONAL DISCIPLINARY ACTION AUTHORIZED, WHEN.**— 1. Every license issued under this chapter shall expire on June thirtieth of the year of issuance and each year thereafter. Licensees seeking renewal shall, during the month of May of each year, file an application for renewal on forms furnished by the board, which shall include evidence satisfactory to the board of completion of the approved continuing education hours required by the board, and shall be accompanied by a renewal fee of fifty dollars payable to the director of revenue.

2. Upon receipt of an incomplete application for renewal, the board shall grant the applicant a temporary permit which shall be in effect for thirty days. The applicant is required to submit the required documentation or fee within the thirty-day period, or the board may refuse to renew his application. The thirty-day period can be extended for good cause shown for an additional thirty days. Upon receipt of the approved continuing education credits or other required documentation or fee within the appropriate time period, the board shall issue an annual license.

3. The board shall renew the license of an applicant who has met all of the requirements for renewal.

4. As a requirement for renewal of license, the board may require not more than forty-eight clock hours of continuing education a year. The continuing education provided for under this section shall be approved by the board. There shall be a separate, nonrefundable fee for each single offering provider. The board shall set the amount of fee for any single offering provided by rules and regulations promulgated pursuant to section 536.021, RSMo. The fee shall be set at a level to produce revenue which shall not substantially exceed the cost and expense in administering and reviewing any single offering.

5. By April first of each year, the board shall mail an application for renewal of license to every person for whom a license was issued or renewed during the current year. The applicant must submit such information as will enable the board to determine if the applicant's license should be renewed. Information provided in the application shall be given under oath.

6. Any licensee who fails to apply to renew his license by June thirtieth may be relicensed by the board if he meets the requirements set forth by the board pursuant to sections 344.010 to 344.100 and pays the fifty-dollar renewal fee, plus a penalty of twenty-five dollars. **No action shall be taken by the board in**

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addition to a penalty of twenty-five dollars imposed by this section against any such licensee whose license has not expired for a period of more than two months, and who has had no action in the preceding five years taken against them by the board, and who has met all other licensure requirements by June thirtieth; provided, however, that nothing in this section shall prevent the board from taking any other disciplinary action against a licensee if there shall exist a cause for discipline pursuant to section 344.050. A person whose license has expired for a period of more than twelve months must meet the requirements set out in section 344.030 for initial licensure.

**344.105. RETIRED LICENSES PERMITTED, WHEN, PROCEDURE.**— 1. Any nursing home administrator possessing a current license to practice as a nursing home administrator in this state who has maintained an active license for at least ten years may retire his or her license by filing an affidavit with the board which states the date on which the licensee retired from such practice and such other facts as tend to verify the retirement as the board may deem necessary. The affidavit shall be accompanied by a fee of twenty-five dollars made payable to the division of aging. Such request for retired status may also be accomplished by signing the request for retired status that appears on the nursing home administrator's application for license renewal and returning such application to the board prior to June thirtieth of the year of renewal of the administrator's active license, accompanied by a fee of twenty-five dollars made payable to the division of aging. Information provided in the request for retired status shall be given under oath subject to the penalties for the making of a false affidavit.

2. An individual who requests retired license status shall return his or her original wall license and all other indicia of licensure to the board. Once the board has received the original wall license from the licensee and the other requirements for requesting retired status have been met, the board shall issue a new license to the licensee indicating that the licensee is retired.

3. A retired license may be reactivated within five years of the granting of the retired license by filing with the board evidence satisfactory to the board of the completion of twenty clock hours of continuing education for each calendar year the license was retired. All clock hours of continuing education shall be completed prior to the filing of the affidavit or renewal form requesting reactivation of the retired license. If more than five years have passed since the issuance of a retired license to a licensee, the licensee shall follow the procedures for initial licensure stated in section 344.030.

4. No person shall practice as a nursing home administrator in this state or hold himself or herself out as a nursing home administrator if his or her license is retired.

**5. Retired licensees shall remain subject to disciplinary action for violations of this chapter and the rules promulgated thereunder.**

Approved June 27, 2000

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HB 1604 [SCS HB 1604]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Authorizes the Governor to convey certain state property to the State Highways and Transportation Commission.**

AN ACT relating to the conveyance and easement of certain state property, with an emergency clause for certain sections.

SECTION

1. Authorizes governor to transfer property to the Missouri highways and transportation commission for highway purposes, approval of instrument by attorney general.
  2. Authorizes governor to transfer property to the Optimist Club Foundation of Mexico Missouri, Inc.
  3. Restrictions on and conditions for transfer of property to the Optimist Club Foundation of Mexico Missouri, Inc.
  4. Approval by attorney general of instrument transferring property from the state to the Optimist Club Foundation of Mexico Missouri, Inc.
  5. Authorizes board of governors of Southwest Missouri State University to transfer property to the city of Springfield.
  6. Board of governors of Southwest Missouri State University and city of Springfield to negotiate consideration for transfer of property.
  7. Attorney general to approve instrument transferring property from Southwest Missouri State University to city of Springfield.
  8. Authorizes governor to transfer property to Nevada R-V school district.
  9. Governor and Nevada R-V school district to negotiate consideration for the transfer of property.
  10. Attorney general to approve instrument transferring property from state to Nevada R-V school district.
  11. Authorizes governor to grant permanent easement to city of St. Joseph for storm drainage, approval of instrument by attorney general.
  12. Authorizes governor to grant temporary construction easement to city of St. Joseph for a street, approval of instrument by attorney general.
  13. Authorizes governor to grant permanent street right-of-way to city of St. Joseph, approval of instrument by attorney general.
  14. Authorizes board of regents of Missouri Western State College to grant permanent street right-of-way to state highways and transportation commission, approval of instrument by attorney general.
  15. Authorizes board of regents of Missouri Western State College to grant a permanent easement to state highways and transportation commission, approval of instrument by attorney general.
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16. Authorizes governor to transfer certain land in Buchanan County which is currently part of the department of health, approval of instrument by attorney general.
17. Governor and interested parties to negotiate consideration for transfer of land in Buchanan County which is currently part of the department of health.
  - A. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION 1. AUTHORIZES GOVERNOR TO TRANSFER PROPERTY TO THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR HIGHWAY PURPOSES, APPROVAL OF INSTRUMENT BY ATTORNEY GENERAL — 1. The governor is hereby authorized and empowered to give, grant, bargain and convey to the Missouri highways and transportation commission property used for highway purposes which is located in the county of St. Francois, state of Missouri. The property to be conveyed by the state of Missouri is more particularly described as follows:**

**A parcel of land in Lot 77 of F. W. Rohland's Subdivision of U.S. Survey 2969, Township 35 North, Range 5 East, St. Francois County, Missouri, and described as follows:**

**Commencing at the Northeast corner of Lot 93 of said subdivision: thence North 82 degrees 39 minutes West, 1911.79 feet to Station 1166+74 on the centerline of State Highway 67; thence North 3 degrees 31 minutes East 3202.25 feet along said centerline to Station 1134+71.75; thence North 86 degrees 21 minutes West 211.37 feet to a point on the West right-of-way line of State Highway 67, being also a point on the Southeast corner of a tract of land heretofore conveyed to the State of Missouri by deed recorded in Book 397 at Page 217 of the St. Francois County Records; being the point of beginning of the land to be hereby conveyed, thence South 65 degrees 18 minutes West along the South line of said tract of land, 368.30 feet to a point on the Southwest corner of said tract; thence North 24 degrees 42 minutes West along the West line of said tract of land 400 feet to a point, being also the Northwest corner of said tract, said point also being 60 feet Southeast of the centerline of State Highway W, as measured at right angles thereto; thence South 65 degrees 18 minutes West and parallel with said centerline of State Highway W and 60 feet therefrom a distance of 100 feet to a point;**

thence South 24 degrees 42 minutes East and parallel with said West line of said tract of land a distance of 600 feet to a point; thence North 65 degrees 18 minutes East and parallel with said South line of said tract of land a distance of 378 feet to a point of the existing Western right-of-way line of Route 67, thence North 4 degrees 19 minutes East along said right-of-way line, 220 feet to the place of beginning, containing 2.9 acres, more or less.

2. The attorney general shall approve as to form of the instrument of conveyance.

**SECTION 2. AUTHORIZES GOVERNOR TO TRANSFER PROPERTY TO THE OPTIMIST CLUB FOUNDATION OF MEXICO MISSOURI, INC.** — The governor is hereby authorized to remise, release and forever quit claim the following described property to the Optimist Club Foundation of Mexico Missouri, Inc. The property currently utilized by the Missouri Veterans Home to be conveyed is more particularly described as follows:

A tract of land lying, being and situated in the County of Audrain and State of Missouri to-wit:

A 3.282 acres tract of land being part of the southwest quarter of Section 24, Township 51 North, Range 9 West; also being a part of the tract of land described in the Warranty Deed recorded in Book 244, Page 261 at the Audrain County, Missouri Recorder's Office; and also being a part of the 6.161 acres tract of land shown in the survey by Robert L. James recorded in Book 237, Page 830 at the Audrain County, Missouri Recorder's Office; and being more particularly described as follows:

Beginning at the southwest corner of the northwest quarter of the southwest quarter of said Section 24; thence with the section line, N 0° 05'E, 30.00 feet to a point in the north line of Vine Street; thence with said north line extended eastward, N 89° 26'E, 120.00 feet to a point; thence N 0° 05'E, 240.00 feet to a point in the eastward extension of the south line of Orange Street; thence with said south line, S 89° 26'W, 80.00 feet to a point; thence N 0° 05'E, 54.00 feet to a point; thence N 89° 26'E, 399.54 feet, more or less,

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to a point, said point being in the east line of the said 6.161 acres in the said survey by Robert L. James; thence S 0° 15'W, 395.45 feet, more or less, to a point, said point being the northeast corner of the tract of land described in the Quit Claim Deed recorded in Book 282, Page 903 at the Audrain County, Missouri Recorder's Office; thence S 89° 16'W, 438.88 feet to a point in the west line of said Section 24; thence with said west line N 0° 21'E, 72.72 feet to the point of beginning, subject to existing easements and restrictions.

**SECTION 3. RESTRICTIONS ON AND CONDITIONS FOR TRANSFER OF PROPERTY TO THE OPTIMIST CLUB FOUNDATION OF MEXICO MISSOURI, INC. —** Consideration for the conveyance shall be as negotiated by the parties. The instrument of conveyance shall reserve a reversionary interest in the state of Missouri if the Optimist Club Foundation of Mexico, Missouri, Inc. ceases to use the property described in section 2 of this act. In addition, the instrument of the conveyance shall contain such other restrictions, reversionary clauses, and conditions as are deemed necessary to protect the interest of the state.

**SECTION 4. APPROVAL BY ATTORNEY GENERAL OF INSTRUMENT TRANSFERRING PROPERTY FROM STATE TO THE OPTIMIST CLUB FOUNDATION OF MEXICO MISSOURI, INC. —** The attorney general shall approve as to form the instrument of conveyance.

**SECTION 5. AUTHORIZES BOARD OF GOVERNORS OF SOUTHWEST MISSOURI STATE UNIVERSITY TO TRANSFER PROPERTY TO THE CITY OF SPRINGFIELD. —** The board of governors of Southwest Missouri State University is hereby authorized to convey by warranty deed or other appropriate instrument, as the board determines appropriate, its right, title and interest in the real estate, more particularly described as follows:

**TRACT 1: A PORTION OF THE SOUTH HALF OF THE ALLEY VACATION LYING ADJACENT TO LOTS 12 AND 13 OF E.T. ROBBERSON'S ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTHWEST CORNER OF LOT 11 OF E.T. ROBBERSON'S ADDITION; THENCE NORTH 02°03'04" EAST, 230.25 FEET, TO THE CENTER OF A VACATED 20 FOOT ALLEY; THENCE SOUTH 88°09'01" EAST, 134.91 FEET, FOR A POINT OF BEGINNING; THENCE 88°09'01" EAST, 97.04 FEET; THENCE SOUTH 02°06'12" WEST, 10.00 FEET;**

THENCE NORTH 88°09'01" WEST, 97.01 FEET;  
THENCE NORTH 02°15'31" EAST, 10.00 FEET, TO  
THE POINT OF THE BEGINNING. ALL LYING IN THE  
NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 29  
NORTH, RANGE 22 WEST AND CONTAINING 0.022  
ACRES OR 970 SQUARE FEET MORE OR LESS.  
BEARINGS BASED ON GRID NORTH OF THE  
MISSOURI STATE PLANE COORDINATE SYSTEM OF  
1983 CENTRAL ZONE. CONDITIONS AND MONUMENTS  
ARE AS SHOWN ON ANDERSON ENGINEERING, INC.  
DRAWING WB 105-255.

TRACT 2: A PORTION OF THE SOUTH HALF OF THE  
ALLEY VACATION LYING ADJACENT TO THE LOT 12 OF  
E.T. ROBBERSON'S ADDITION TO SPRINGFIELD,  
GREENE COUNTY, MISSOURI, AND BEING MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 11  
OF E.T. ROBBERSON'S ADDITION; THENCE NORTH  
02°03'04" EAST, 230.25 FEET, TO THE CENTER OF  
A VACATED 20 FOOT ALLEY; THENCE SOUTH  
88°09'01" EAST, 87.42 FEET, FOR A POINT OF  
BEGINNING; THENCE SOUTH 88°09'01" EAST, 47.49  
FEET; THENCE SOUTH 02°15'31" WEST, 10.00 FEET;  
THENCE NORTH 88°09'01" WEST, 47.41 FEET;  
THENCE NORTH 01°50'01" EAST, 10.00 FEET, TO  
THE POINT OF BEGINNING. ALL LYING IN THE  
NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 29  
NORTH, RANGE 22 WEST AND CONTAINING 474 SQUARE  
FEET OR 0.0108 ACRES MORE OR LESS. BEARINGS  
BASED ON GRID NORTH OF THE MISSOURI STATE  
PLANE COORDINATE SYSTEM OF 1983 CENTRAL ZONE.  
CONDITIONS AND MONUMENTS ARE AS SHOWN ON  
ANDERSON ENGINEERING, INC. DRAWING WB 105-  
255.

SECTION 6. BOARD OF GOVERNORS OF SOUTHWEST MISSOURI STATE  
UNIVERSITY AND CITY OF SPRINGFIELD TO NEGOTIATE CONSIDERATION FOR  
TRANSFER OF PROPERTY.— Consideration for the conveyance shall be as  
negotiated by the parties.

SECTION 7. ATTORNEY GENERAL TO APPROVE INSTRUMENT TRANSFERRING  
PROPERTY FROM SOUTHWEST MISSOURI STATE UNIVERSITY TO CITY OF  
SPRINGFIELD.— The attorney general shall approve as to form the instrument  
of conveyance.

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**SECTION 8. AUTHORIZES GOVERNOR TO TRANSFER PROPERTY TO NEVADA R-V SCHOOL DISTRICT.**— The governor is hereby authorized to remise, release and forever quit claim the following described property to the Nevada R-V School District. The property currently utilized by the Nevada Habilitation Center as a storage building formerly known as the Client Union/Cafeteria at Nevada Habilitation Center to be conveyed is more particularly described as follows:

**"PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 36 NORTH, RANGE 31 WEST OF THE 5TH PRINCIPAL MERIDIAN, VERNON COUNTY, IN THE CITY OF NEVADA, MISSOURI COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00°-35'-39" WEST A DISTANCE OF 1543.63 FEET ALONG THE WEST LINE OF SAID QUARTER; THENCE SOUTH 89°-58'-32" WEST A DISTANCE OF 249.83 FEET; THENCE SOUTH 00°-01'-28" WEST A DISTANCE OF 185.00 FEET; THENCE SOUTH 89°-58'-32" EAST A DISTANCE OF 115.00 FEET; THENCE SOUTH 00°-01'-28" WEST A DISTANCE OF 18.27 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE HEREIN DESCRIBED; THENCE SOUTH 89°-50'-11" EAST A DISTANCE OF 5.49 FEET TO THE NORTHWEST CORNER OF AN EXISTING BUILDING; THENCE SOUTH 89°-50'-11" EAST ALONG THE NORTH SIDE OF SAID BUILDING A DISTANCE OF 65.10 FEET; THENCE SOUTH 89°-50'-11" EAST A DISTANCE OF 29.87 FEET; THENCE NORTH 00°-09'-49" EAST A DISTANCE OF 2.75 FEET; THENCE SOUTH 89°-50'-11" EAST A DISTANCE OF 9.00 FEET; THENCE SOUTH 00°-09'-49" WEST A DISTANCE OF 1.45 FEET; THENCE SOUTH 89°-50'-11" EAST A DISTANCE OF 34.00 FEET; THENCE NORTH 00°-09'-49" EAST A DISTANCE OF 2.50 FEET; THENCE SOUTH 89°-50'-11" EAST A DISTANCE OF 30.67 FEET; THENCE SOUTH 00°-09'-49" WEST A DISTANCE OF 2.50 FEET; THENCE SOUTH 89°-50'-11" EAST A DISTANCE OF 8.90 FEET; THENCE NORTH 00°-09'-49" EAST A DISTANCE OF 35.20 FEET; THENCE SOUTH 89°-50'-11" EAST A DISTANCE OF 33.03 FEET; THENCE SOUTH 00°-01'-28" WEST A DISTANCE OF 97.72 FEET; THENCE NORTH 89°-58'-32" WEST A DISTANCE OF 216.16 FEET; THENCE NORTH 00°-01'-28" EAST A DISTANCE OF 61.71 FEET TO THE TRUE POINT OF BEGINNING. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD."**

**SECTION 9. GOVERNOR AND NEVADA R-V SCHOOL DISTRICT TO NEGOTIATE CONSIDERATION FOR THE TRANSFER OF PROPERTY. — Consideration for the conveyance shall be as negotiated by the parties.**

**SECTION 10. ATTORNEY GENERAL TO APPROVE INSTRUMENT TRANSFERRING PROPERTY FROM STATE TO NEVADA R-V SCHOOL DISTRICT. — The attorney general shall approve as to form the instrument of conveyance.**

**SECTION 11. AUTHORIZES GOVERNOR TO GRANT PERMANENT EASEMENT TO CITY OF ST. JOSEPH FOR STORM DRAINAGE, APPROVAL OF INSTRUMENT BY ATTORNEY GENERAL. — 1. The governor is hereby authorized to give, grant and convey to and for the use of the city of St. Joseph, an easement for the purposes of storm drainage on and across land owned by the state of Missouri located in Buchanan County which is currently part of the department of public safety being used as an army national guard armory. The real estate to be conveyed is more particularly described as follows:**

**A TRACT OF LAND FOR PERMANENT EASEMENT,  
COMPOSED OF A PART OF THE SOUTHEAST QUARTER OF  
SECTION 11, TOWNSHIP 57 NORTH, RANGE 35 WEST,  
BUCHANAN COUNTY, MISSOURI, DESCRIBED AS:**

**COMMENCING AT THE NORTHWEST CORNER OF THE  
SOUTHEAST QUARTER OF SAID SECTION 11, THENCE  
ON A BEARING OF SOUTH 00 DEGREES 02 MINUTES 31  
SECONDS WEST ALONG THE WEST LINE OF SAID  
SOUTHEAST QUARTER A DISTANCE OF 50.00 FEET TO  
A POINT, SAID POINT ALSO BEING ON THE  
EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF  
FARAON STREET, THENCE NORTH 89 DEGREES 55  
MINUTES 11 SECONDS EAST ALONG THE SOUTH RIGHT-  
OF-WAY LINE OF FARAON STREET AND SAID  
EXTENSION A DISTANCE OF 76.29 FEET TO A POINT,  
SAID POINT ALSO BEING THE POINT OF BEGINNING;  
THENCE NORTH 89 DEGREES 55 MINUTES 11 SECONDS  
EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF  
FARAON STREET A DISTANCE OF 35.34 FEET TO A  
POINT, THENCE SOUTH 44 DEGREES 53 MINUTES 20  
SECONDS WEST A DISTANCE OF 70.39 FEET TO A  
POINT, THENCE NORTH 00 DEGREES 40 MINUTES 47  
SECONDS WEST A DISTANCE OF 35.01 FEET TO A  
POINT, THENCE NORTH 44 DEGREES 53 MINUTES 20  
SECONDS EAST A DISTANCE OF 20.91 FEET TO THE  
POINT OF BEGINNING. CONTAINING 1141 SQUARE  
FEET OR 0.026 ACRES, MORE OR LESS.**

**BEARINGS ARE BASED ON MISSOURI STATE PLANE  
GRID NORTH.**

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2. The attorney general shall approve as to form the instrument of conveyance.

**SECTION 12. AUTHORIZES GOVERNOR TO GRANT TEMPORARY CONSTRUCTION EASEMENT TO CITY OF ST. JOSEPH FOR A STREET, APPROVAL OF INSTRUMENT BY ATTORNEY GENERAL.— 1. The governor is hereby authorized and empowered to give, grant and convey to and for the use of the city of St. Joseph, an easement, for the purposes of constructing of and maintaining a street, across lands owned by the state of Missouri and used by the department of public safety in Buchanan County. The easement is more particularly described as follows:**

**A TRACT OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT, COMPOSED OF A PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 57 NORTH, RANGE 35 WEST, BUCHANAN COUNTY, MISSOURI, DESCRIBED AS:**

**COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11, THENCE ON A BEARING OF NORTH 89 DEGREES 55 MINUTES 11 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER A DISTANCE OF 50.00 FEET TO A POINT, SAID POINT ALSO BEING THE EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF WOODBINE ROAD, THENCE SOUTH 00 DEGREES 02 MINUTES 31 SECONDS WEST ALONG THE EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF WOODBINE ROAD A DISTANCE OF 283.12 FEET TO A POINT, SAID POINT ALSO BEING THE POINT OF BEGINNING, THENCE SOUTH 00 DEGREES 02 MINUTES 31 SECONDS WEST A DISTANCE OF 246.41 FEET TO A POINT, THENCE SOUTH 89 DEGREES 57 MINUTES 35 SECONDS EAST A DISTANCE OF 30.18 FEET TO A POINT, THENCE NORTH 00 DEGREES 02 MINUTES 25 SECONDS EAST A DISTANCE OF 349.75 FEET TO A POINT, THENCE NORTH 9 DEGREES 24 MINUTES 41 SECONDS EAST A DISTANCE OF 71.01 FEET TO A POINT, THENCE SOUTH 70 DEGREES 02 MINUTES 13 SECONDS EAST A DISTANCE OF 89.88 FEET TO A POINT, THENCE NORTH 54 DEGREES 06 MINUTES 58 SECONDS EAST A DISTANCE OF 123.22 FEET TO A POINT, THENCE SOUTH 86 DEGREES 41 MINUTES 48 SECONDS EAST A DISTANCE OF 100.18 FEET TO A POINT, THENCE NORTH 83 DEGREES 40 MINUTES 20 SECONDS EAST A DISTANCE OF 99.71 FEET TO A POINT, THENCE SOUTH 80 DEGREES 11 MINUTES 46 SECONDS EAST A DISTANCE OF 202.78 FEET TO A POINT, THENCE NORTH 89**

DEGREES 52 MINUTES 30 SECONDS EAST A DISTANCE OF 335.30 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 29, THENCE NORTH 06 DEGREES 17 MINUTES 44 SECONDS WEST ALONG THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 29 A DISTANCE OF 48.42 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FARAON STREET, THENCE SOUTH 89 DEGREES 55 MINUTES 11 SECONDS WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF FARAON STREET A DISTANCE OF 893.31 FEET TO A POINT, THENCE SOUTH 44 DEGREES 53 MINUTES 20 SECONDS WEST A DISTANCE OF 70.39 FEET TO A POINT. THENCE SOUTH 00 DEGREES 40 MINUTES 48 SECONDS EAST A DISTANCE OF 130.01 FEET TO A POINT, THENCE SOUTH 14 DEGREES 21 MINUTES 48 SECONDS WEST A DISTANCE OF 55.05 FEET TO THE POINT OF BEGINNING. CONTAINING 49789 SQUARE FEET OR 1.143 ACRES, MORE OR LESS.

BEARINGS BASED ON MISSOURI STATE PLANE GRID NORTH.

2. The temporary construction easement granted by this section shall expire upon the completion of construction.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 13. AUTHORIZES GOVERNOR TO GRANT PERMANENT STREET RIGHT-OF-WAY TO CITY OF ST. JOSEPH, APPROVAL OF INSTRUMENT BY ATTORNEY GENERAL. — 1. The governor is hereby authorized to give, grant and convey to the city of St. Joseph, certain property in Buchanan County which is currently part of the department of public safety being used as an army national guard armory. The real estate to be conveyed is more particularly described as follows:

A TRACT OF LAND FOR PERMANENT STREET RIGHT-OF-WAY, COMPOSED OF A PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 57 NORTH, RANGE 35 WEST, BUCHANAN COUNTY, MISSOURI, DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11, THENCE ON A BEARING OF NORTH 89 DEGREES 55 MINUTES 11 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER A DISTANCE OF 50.00 FEET TO A POINT, SAID POINT ALSO BEING THE EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF WOODBINE ROAD, THENCE SOUTH 00 DEGREES 02 MINUTES 31 SECONDS WEST ALONG THE EXTENSION OF THE EAST

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RIGHT-OF-WAY LINE OF WOODBINE ROAD A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FARAON STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING, THENCE SOUTH 00 DEGREES 02 MINUTES 31 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF WOODBINE ROAD A DISTANCE OF 233.12 FEET TO A POINT, THENCE NORTH 14 DEGREES 21 MINUTES 48 SECONDS EAST A DISTANCE OF 55.05 FEET TO A POINT, THENCE NORTH 00 DEGREES 40 MINUTES 48 SECONDS WEST A DISTANCE OF 165.02 FEET TO A POINT, THENCE NORTH 44 DEGREES 53 MINUTES 20 SECONDS EAST A DISTANCE OF 20.91 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FARAON STREET, THENCE SOUTH 89 DEGREES 55 MINUTES 11 SECONDS WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF FARAON STREET A DISTANCE OF 26.29 FEET TO THE POINT OF BEGINNING. CONTAINING 2,718 SQUARE FEET OR 0.062 ACRES, MORE OR LESS.

BEARINGS BASED ON MISSOURI STATE PLANE GRID NORTH.

2. The attorney general shall approve as to form the instrument of conveyance.

SECTION 14. AUTHORIZES BOARD OF REGENTS OF MISSOURI WESTERN STATE COLLEGE TO GRANT PERMANENT STREET RIGHT-OF-WAY TO STATE HIGHWAYS AND TRANSPORTATION COMMISSION, APPROVAL OF INSTRUMENT BY ATTORNEY GENERAL. — 1. The board of regents of Missouri Western State College, pursuant to subsection 13 of section 37.005, RSMo, is hereby authorized and empowered to give, grant and convey to the state highways and transportation commission, certain property in Buchanan County which is currently part of the Missouri Western State College. The real estate to be conveyed is more particularly described as follows:

A TRACT OF LAND FOR PERMANENT STREET RIGHT-OF-WAY, COMPOSED OF A PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 57 NORTH, RANGE 35 WEST, BUCHANAN COUNTY, MISSOURI, DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 11, THENCE ON A BEARING OF SOUTH 89 DEGREES 55 MINUTES 11 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 842.47 FEET TO A POINT, THENCE SOUTH 0 DEGREES 04 MINUTES 48 SECONDS EAST A DISTANCE OF 75.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FARAON

STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 55 DEGREES 38 MINUTES 05 SECONDS WEST A DISTANCE OF 217.09 FEET TO A POINT, THENCE SOUTH 89 DEGREES 55 MINUTES 12 SECONDS WEST A DISTANCE OF 57.73 FEET TO A POINT, THENCE NORTH 81 DEGREES 16 MINUTES 43 SECONDS WEST A DISTANCE OF 258.01 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 29, THENCE NORTH 6 DEGREES 17 MINUTES 44 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE INTERSTATE 29 A DISTANCE OF 30.05 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FARAON STREET, THENCE NORTH 83 DEGREES 49 MINUTES 09 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF FARAON STREET A DISTANCE OF 498.14 FEET TO THE POINT OF BEGINNING. CONTAINING 31284 SQUARE FEET OR 0.718 ACRES, MORE OR LESS.

2. The attorney general shall approve as to form the instrument of conveyance.

SECTION 15. AUTHORIZES BOARD OF REGENTS OF MISSOURI WESTERN STATE COLLEGE TO GRANT A PERMANENT EASEMENT TO STATE HIGHWAYS AND TRANSPORTATION COMMISSION, APPROVAL OF INSTRUMENT BY ATTORNEY GENERAL. — 1. The board of regents of Missouri Western State College, pursuant to subsection 13 of section 37.005, RSMo, is hereby authorized and empowered to give, grant and convey to the state highways and transportation commission, certain property in Buchanan County which is currently part of the Missouri Western State College. The real estate to be conveyed is more particularly described as follows:

A TRACT OF LAND FOR PERMANENT EASEMENT, COMPOSED OF A PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 57 NORTH, RANGE 35 WEST, BUCHANAN COUNTY, MISSOURI, DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 11, THENCE ON A BEARING OF SOUTH 89 DEGREES 55 MINUTES 11 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 1021.84 FEET TO A POINT, THENCE SOUTH 0 DEGREES 04 MINUTES 48 SECONDS EAST A DISTANCE OF 197.29 FEET TO A POINT SAID POINT ALSO BEING THE POINT OF BEGINNING, THENCE SOUTH 30 DEGREES 04 MINUTES 07 SECONDS EAST A DISTANCE OF 34.15 FEET TO A POINT, THENCE SOUTH 89 DEGREES 55 MINUTES 12 SECONDS WEST A DISTANCE OF 57.73 FEET TO A

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POINT, THENCE NORTH 30 DEGREES 04 MINUTES 07 SECONDS WEST A DISTANCE OF 34.15 FEET TO A POINT, THENCE NORTH 89 DEGREES 55 MINUTES 12 SECONDS EAST A DISTANCE OF 57.73 FEET TO THE POINT OF BEGINNING. CONTAINING 1707 SQUARE FEET OR 0.0392 ACRES, MORE OR LESS.

BEARINGS BASED ON MISSOURI STATE PLANE GRID NORTH.

2. The attorney general shall approve as to form the instrument of conveyance.

SECTION 16. AUTHORIZES GOVERNOR TO TRANSFER CERTAIN LAND IN BUCHANAN COUNTY WHICH IS CURRENTLY PART OF THE DEPARTMENT OF HEALTH, APPROVAL OF INSTRUMENT BY ATTORNEY GENERAL. — 1. The governor is hereby authorized to bargain, sell and convey land owned by the state of Missouri located in Buchanan County which is currently part of the department of mental health. The property to be conveyed is more particularly described as follows:

DESCRIPTION OF TRACT "A": A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 57 NORTH, RANGE 35 WEST, ST. JOSEPH, BUCHANAN COUNTY, MISSOURI. BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 3, THENCE NORTH 89°23'10" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 662.20 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 3; THENCE LEAVING SAID SOUTH LINE, NORTH 00°21'09" EAST, ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 30.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF FREDERICK AVENUE, AND THE TRUE POINT OF BEGINNING; THENCE NORTH 89°23'10" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF FREDERICK AVENUE, 100.00 FEET; THENCE NORTH 00°21'09" EAST, PARALLEL WITH THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 1288.54 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 3: THENCE SOUTH 89°26'03" EAST, ALONG SAID NORTH LINE, 100.00 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE

SOUTHEAST QUARTER OF SAID SECTION 3; THENCE SOUTH 00°21'09" WEST, ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 1288.63 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 2.96 ACRES MORE OR LESS AND BEING SUBJECT TO ALL PUBLIC ROADS, EASEMENTS, RESERVATIONS, RESTRICTIONS, COVENANTS AND CONDITIONS, IF ANY, NOW OF RECORD. FINAL LEGAL DESCRIPTION TO BE DETERMINED BY SURVEY.

DESCRIPTION OF TRACT "B": A TRACT OF LAND IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 57 NORTH, RANGE 35 WEST, ST. JOSEPH, BUCHANAN COUNTY, MISSOURI. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 3, THENCE SOUTH 00°27'17" WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 1319.18 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3; THENCE LEAVING SAID EAST LINE NORTH 89°26'03" WEST, ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 20.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF 36TH STREET AND THE TRUE POINT OF BEGINNING; THENCE CONTINUED NORTH 89°26'03" WEST, ALONG SAID SOUTH LINE, 744.55 FEET; THENCE LEAVING SAID SOUTH LINE NORTH 00°21'09" EAST, 38.54 FEET; THENCE SOUTH 89°28'55" EAST, PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 424.62 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO PRIMARY CARE GROUP, L.L.C., A LIMITED LIABILITY COMPANY BY DEED RECORDED IN BOOK 1972 AT PAGE 301 IN THE OFFICE OF THE RECORDER OF DEEDS IN BUCHANAN COUNTY, MISSOURI; THENCE SOUTH 89°28'55" EAST, ALONG THE SOUTH LINE OF SAID PRIMARY CARE GROUP TRACT, 320.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF 36TH STREET; THENCE SOUTH 00°27'17" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 39.16 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 0.66 ACRES MORE OR LESS AND BEING SUBJECT TO ALL PUBLIC ROADS, EASEMENTS, RESERVATIONS, RESTRICTIONS, COVENANTS, AND CONDITIONS, IF

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**ANY, NOW OF RECORD. FINAL LEGAL DESCRIPTION  
TO BE DETERMINED BY SURVEY.**

**2. The attorney general shall approve as to form the instrument of conveyance.**

**SECTION 17. GOVERNOR AND INTERESTED PARTIES TO NEGOTIATE CONSIDERATION FOR TRANSFER OF LAND IN BUCHANAN COUNTY WHICH IS CURRENTLY PART OF THE DEPARTMENT OF HEALTH. — Consideration for the conveyance pursuant to section 16 shall be as negotiated by the office of administration and interested parties.**

**SECTION A. EMERGENCY CLAUSE.** — Because of the need to effect certain land transfers, sections 11 to 17 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and sections 11 to 17 of this act shall be in full force and effect upon its passage and approval.

Approved June 27, 2000

HB 1631 [SCS HB 1631]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Changes the liquor control law.**

AN ACT to repeal sections 311.510, 311.540 and 312.210, RSMo 1994, and sections 311.070 and 311.485, RSMo Supp. 1999, relating to liquor control, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

**SECTION**

A. Enacting clause.

- 311.070. Financial interest in retail businesses by certain licensees prohibited, exceptions — penalties — definitions — activities permitted between wholesalers and licensees — certain contracts unenforceable — contributions to certain organizations permitted, when.
- 311.485. Temporary location for liquor by the drink, caterers — permit and fee required — other laws applicable, exception.
- 311.510. Inspection of malt liquors — duty of supervisor.
- 311.540. Liquor inspection, labeling and gauging — requirements.
- 312.210. Inspection.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 311.510, 311.540 and 312.210, RSMo 1994, and sections 311.070 and 311.485, RSMo Supp. 1999, are repealed and five new sections enacted in lieu thereof, to be known as sections 311.070, 311.485, 311.510, 311.540 and 312.210, to read as follows:

**311.070. FINANCIAL INTEREST IN RETAIL BUSINESSES BY CERTAIN LICENSEES PROHIBITED, EXCEPTIONS — PENALTIES — DEFINITIONS — ACTIVITIES PERMITTED BETWEEN WHOLESALERS AND LICENSEES — CERTAIN CONTRACTS UNENFORCEABLE — CONTRIBUTIONS TO CERTAIN ORGANIZATIONS PERMITTED, WHEN.** — 1. Distillers, wholesalers, winemakers, brewers or their employees, officers or agents, shall not, except as provided in this section, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors, and shall not, except as provided in this section, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit for liquors sold to such retail dealers. However, notwithstanding any other provision of this chapter to the contrary, for the purpose of the promotion of tourism, a distiller whose manufacturing establishment is located within this state may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as in this chapter defined, by the drink at retail for consumption on the premises where sold; and provided further that the premises so licensed shall be in close proximity to the distillery and may remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday and between the hours of 11:00 a.m. and 9:00 p.m., Sunday. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to the holder of a license issued under the provisions of this section in the same manner as they apply to establishments licensed under the provisions of section 311.085, 311.090, or 311.095.

2. Any distiller, wholesaler, winemaker or brewer who shall violate the provisions of subsection 1 of this section, or permit his employees, officers or agents to do so, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as follows:

- (1) For the first offense, by a fine of one thousand dollars;
- (2) For a second offense, by a fine of five thousand dollars; and
- (3) For a third or subsequent offense, by a fine of ten thousand dollars or the license of such person shall be revoked.

3. As used in this section, the following terms mean:

- (1) "Consumer advertising specialties", advertising items that are designed to be carried away by the consumer, such items include, but are not limited to: trading stamps, nonalcoholic mixers, pouring racks, ash trays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, post cards, pencils, shirts, caps and visors;
  - (2) "Equipment and supplies", glassware (or similar containers made of other material), dispensing accessories, carbon dioxide (and other gasses used in dispensing equipment) or ice. "Dispensing accessories", include standards, faucets, cold plates, rods, vents, taps, tap standards, hoses, washers, couplings, gas gauges, vent tongues, shanks, and check valves;
  - (3) "Point of sale advertising materials", advertising items designed to be used within a retail business establishment to attract consumer attention to the products of a distiller, wholesaler, winemaker or brewer. Such materials include, but are not
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limited to: posters, placards, designs, inside signs (electric, mechanical or otherwise), window decorations, trays, coasters, mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks, calendars and alcoholic beverage lists or menus;

(4) "Product display", wine racks, bins, barrels, casks, shelving or similar items the primary function of which is to hold and display consumer products;

(5) "Promotion", an advertising and publicity campaign to further the acceptance and sale of the merchandise or products of a distiller, wholesaler, winemaker or brewer.

4. Notwithstanding other provisions contained herein, the distiller, wholesaler, winemaker or brewer, or their employees, officers or agents may engage in the following activities with a retail licensee licensed pursuant to chapter 311 or chapter 312, RSMo:

(1) The distiller, wholesaler, winemaker or brewer may give or sell product displays to a retail business if all of the following requirements are met:

(a) The total value of all product displays given or sold to a retail business shall not exceed three hundred dollars per brand at any one time in any one retail outlet. There shall be no combining or pooling of the three hundred dollar limits to provide a retail business a product display in excess of three hundred dollars per brand. The value of a product display is the actual cost to the distiller, wholesaler, winemaker or brewer who initially purchased such product display. Transportation and installation costs shall be excluded;

(b) All product displays shall bear in a conspicuous manner substantial advertising matter on the product or the name of the distiller, wholesaler, winemaker or brewer. The name and address of the retail business may appear on the product displays; and

(c) The giving or selling of product displays may be conditioned on the purchase of intoxicating beverages advertised on the displays by the retail business in a quantity necessary for the initial completion of the product display. No other condition shall be imposed by the distiller, wholesaler, winemaker or brewer on the retail business in order for such retail business to obtain the product display;

(2) Notwithstanding any provision of law to the contrary, the distiller, wholesaler, winemaker or brewer may give or sell any point of sale advertising materials and consumer advertising specialties to a retail business if all the following requirements are met:

(a) The total value of all point of sale advertising materials and consumer advertising specialties given or sold to a retail business shall not exceed five hundred dollars per year, per brand, per retail outlet. The value of point of sale advertising materials and consumer advertising specialties is the actual cost to the distiller, wholesaler, winemaker or brewer who initially purchased such item. Transportation and installation costs shall be excluded;

(b) All point of sale advertising materials and consumer advertising specialties shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker or brewer. The name, address and logos of the retail business may appear on the point of sale advertising materials or the consumer advertising specialties; and

(c) The distiller, wholesaler, winemaker or brewer shall not directly or indirectly pay or credit the retail business for using or distributing the point of sale advertising materials or consumer advertising specialties or for any incidental expenses arising from their use or distribution;

(3) A malt beverage wholesaler or brewer may give a gift not to exceed a value of one thousand dollars per year, or sell something of value to a holder of a temporary permit as defined in section 311.482;

(4) The distiller, wholesaler, winemaker or brewer may sell equipment or supplies to a retail business if all the following requirements are met:

(a) The equipment and supplies shall be sold at a price not less than the cost to the distiller, wholesaler, winemaker or brewer who initially purchased such equipment and supplies; and

(b) The price charged for the equipment and supplies shall be collected in accordance with credit regulations as established in the Code of State Regulations;

(5) The distiller, wholesaler, winemaker or brewer may install dispensing accessories at the retail business establishment, which shall include for the purposes of intoxicating and nonintoxicating beer equipment to properly preserve and serve draught beer only and to facilitate the delivery to the retailer the brewers and wholesalers may lend, give, rent or sell and they may install or repair any of the following items or render to retail licensees any of the following services: beer coils and coil cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets and tap markers, beer and air hose, taps, vents and washers, gauges and regulators, beer and air distributors, beer line insulation, coil flush hose, couplings and bucket pumps; portable coil boxes, air pumps, blankets or other coverings for temporary wrappings of barrels, coil box overflow pipes, tilting platforms, bumper boards, skids, cellar ladders and ramps, angle irons, ice box grates, floor runways; and damage caused by any beer delivery excluding normal wear and tear and a complete record of equipment furnished and installed and repairs and service made or rendered must be kept by the brewer or wholesalers furnishing, making or rendering same for a period of not less than one year;

(6) The distiller, wholesaler, winemaker or brewer may furnish, give or sell coil cleaning service to a retailer of distilled spirits, wine or malt beverages;

(7) A wholesaler of intoxicating liquor may furnish or give and a retailer may accept a sample of distilled spirits or wine as long as the retailer has not previously purchased the brand from that wholesaler, if all the following requirements are met:

(a) The wholesaler may furnish or give not more than seven hundred fifty milliliters of any brand of distilled spirits and not more than seven hundred fifty milliliters of any brand of wine; if a particular product is not available in a size within the quantity limitations of this subsection, a wholesaler may furnish or give to a retailer the next larger size;

(b) The wholesaler shall keep a record of the name of the retailer and the quantity of each brand furnished or given to such retailer;

(c) For the purposes of this subsection, no samples of intoxicating liquor provided to retailers shall be consumed on the premises nor shall any sample of intoxicating liquor be opened on the premises of the retailer except as provided by the retail license;

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(d) For the purpose of this subsection, the word "brand" refers to differences in brand name of product or differences in nature of product; examples of different brands would be products having a difference in: brand name; class, type or kind designation; appellation of origin (wine); viticulture area (wine); vintage date (wine); age (distilled spirits); or proof (distilled spirits); differences in packaging such a different style, type, size of container, or differences in color or design of a label or not considered different brands;

(8) The distiller, wholesaler, winemaker or brewer may package and distribute intoxicating beverages in combination with other nonalcoholic items as originally packaged by the supplier for sale ultimately to consumers; notwithstanding any provision of law to the contrary, for the purpose of this subsection, intoxicating liquor and wine wholesalers are not required to charge for nonalcoholic items anymore than the actual cost of purchasing such nonalcoholic items from the supplier;

(9) The distiller, wholesaler, winemaker or brewer may sell or give the retail business newspaper cuts, mats or engraved blocks for use in the advertisements of the retail business;

(10) The distiller, wholesaler, winemaker or brewer may in an advertisement list the names and addresses of two or more unaffiliated retail businesses selling its product if all of the following requirements are met:

(a) The advertisement shall not contain the retail price of the product;

(b) The listing of the retail businesses shall be the only reference to such retail businesses in the advertisement;

(c) The listing of the retail businesses shall be relatively inconspicuous in relation to the advertisement as a whole; and

(d) The advertisement shall not refer only to one retail business or only to a retail business controlled directly or indirectly by the same retail business;

(11) Notwithstanding any other provision of law to the contrary, distillers, winemakers, wholesalers, brewers or retailers may conduct a local or national sweepstakes/contest upon a licensed retail premise. However, no money or something of value may be given to the retailer for the privilege or opportunity of conducting the sweepstakes or contest;

(12) The distiller, wholesaler, winemaker or brewer may stock, rotate, rearrange or reset the products sold by such distiller, wholesaler, winemaker or brewer at the establishment of the retail business so long as the products of any other distiller, wholesaler, winemaker or brewer are not altered or disturbed;

(13) The distiller, wholesaler, winemaker or brewer may provide a recommended shelf plan or shelf schematic for distilled spirits, wine or malt beverages;

(14) The distiller, wholesaler, winemaker or brewer participating in the activities of a retail business association may do any of the following:

(a) Display its products at a convention or trade show;

(b) Rent display booth space if the rental fee is the same paid by all others renting similar space at the association activity;

(c) Provide its own hospitality which is independent from the association activity;

(d) Purchase tickets to functions and pay registration fees if such purchase or payment is the same as that paid by all attendees, participants or exhibitors at the association activity; and

(e) Make payments for advertisements in programs or brochures issued by retail business associations at a convention or trade show if the total payments made for all such advertisements do not exceed three hundred dollars per year for any retail business association;

(15) The distiller, wholesaler, winemaker or brewer may sell its other merchandise which does not consist of intoxicating beverages to a retail business if the following requirements are met:

(a) The distiller, wholesaler, winemaker or brewer shall also be in business as a bona fide producer or vendor of such merchandise;

(b) The merchandise shall be sold at its fair market value;

(c) The merchandise is not sold in combination with distilled spirits, wines or malt beverages except as provided in this section;

(d) The acquisition or production costs of the merchandise shall appear on the purchase invoices or records of the distiller, wholesaler, winemaker or brewer; and

(e) The individual selling prices of merchandise and intoxicating beverages sold to a retail business in a single transaction shall be determined by commercial documents covering the sales transaction; [and]

(16) The distiller, wholesaler, winemaker or brewer may sell or give an outside sign to a retail business if the following requirements are met:

(a) The sign shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker or brewer;

(b) The retail business shall not be compensated, directly or indirectly, for displaying the sign; and

(c) The cost of the sign shall not exceed four hundred dollars;

**(17) A wholesaler may, but shall not be required to, exchange for an equal quantity of identical product or allow credit against outstanding indebtedness for intoxicating liquor with alcohol content of less than five percent by weight or nonintoxicating beer that was delivered in a damaged condition or damaged while in the possession of the retailer;**

**(18) To assure and control product quality, wholesalers at the time of a regular delivery may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of intoxicating liquor with alcohol content of less than five percent by weight or nonintoxicating beer in its undamaged original carton from the retailer's stock, if the wholesaler replaces the product with an equal quantity of identical product;**

**(19) In addition to withdrawals authorized pursuant to subdivision (18) of this subsection, to assure and control product quality, wholesalers at the time of a regular delivery may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of intoxicating liquor with alcohol content of less than five percent by weight and nonintoxicating beer in its undamaged original carton from the retailer's stock and give the retailer credit against outstanding indebtedness for the product if:**

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**(a) The product is withdrawn at least thirty days after initial delivery and within twenty-one days of the date considered by the manufacturer of the product to be the date the product becomes inappropriate for sale to a consumer; and**

**(b) The quantity of product withdrawn does not exceed the equivalent of twenty-five cases of twenty-four twelve-ounce containers; and**

**(20) Nothing in this section authorizes consignment sales.**

5. All contracts entered into between distillers, brewers and winemakers, or their officers or directors, in any way concerning any of their products, obligating such retail dealers to buy or sell only the products of any such distillers, brewers or winemakers or obligating such retail dealers to buy or sell the major part of such products required by such retail vendors from any such distiller, brewer or winemaker, shall be void and unenforceable in any court in this state.

6. **Notwithstanding any other provisions of this chapter to the contrary, a distiller or wholesaler may install dispensing accessories at the retail business establishment, which shall include for the purposes of distilled spirits, equipment to properly preserve and serve premixed distilled spirit beverages only, to facilitate delivery to the retailer, the distiller or wholesaler may lend, give, rent or sell and the distiller or wholesaler may install or repair any of the following items or render to retail licensees any of the following services: coils and coil cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping heads, hoses, valves and other minor tapping equipment components, and damage caused by any delivery excluding normal wear and tear. A complete record of equipment furnished and installed and repairs or service made or rendered shall be kept by the distiller or wholesaler, furnishing, making or rendering the same for a period of not less than one year.**

7. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the contrary, distillers, winemakers, brewers or their employees, or officers shall be permitted to make contributions of money or merchandise to a licensed retail liquor dealer that is a charitable or religious organization as defined in section 313.005, RSMo, or an educational institution if such contributions are unrelated to such organization's retail operations.

[7.] 8. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the contrary, a brewer or manufacturer, its employees, officers or agents may have a financial interest in the retail business for sale of intoxicating liquors and nonintoxicating beer at entertainment facilities owned, in whole or in part, by the brewer or manufacturer, its subsidiaries or affiliates including, but not limited to, arenas and stadiums used primarily for concerts, shows and sporting events of all kinds.

[8.] 9. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the contrary, for the purpose of the promotion of tourism, a wine manufacturer, its employees, officers or agents located within this state may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises where sold, if the premises so licensed is in close proximity to the winery. Such premises may remain open between the hours of 6:00 a.m. and midnight,

Monday through Saturday and between the hours of 11:00 a.m. and 9:00 p.m., Sunday.

**311.485. TEMPORARY LOCATION FOR LIQUOR BY THE DRINK, CATERERS — PERMIT AND FEE REQUIRED — OTHER LAWS APPLICABLE, EXCEPTION.** — 1. The supervisor of liquor control may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a "festival" as defined in chapter 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred twenty consecutive hours, and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this section, the permittee shall pay to the director of revenue the sum of ten dollars for each calendar day, or fraction thereof, for which the permit is issued.

2. Except as provided in subsection 3 of this section, all provisions of the liquor control law and the ordinances, rules and regulations of the incorporated city, or the unincorporated area of any county, in which is located the premises in which such function, occasion or event is held shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. Except for Missouri-produced wines in the original package, the provisions of this section shall not include the sale of packaged goods covered by this temporary permit.

3. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages, in the course of his or her catering business. A caterer who possesses a valid state and valid local liquor license need not obtain a separate license for each city the caterer delivers in, so long as such city permits any caterer to deliver alcoholic beverages within the city.

**4. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight or nonintoxicating beer delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two hours of the expiration of the catering permit issued pursuant to this section.**

**311.510. INSPECTION OF MALT LIQUORS — DUTY OF SUPERVISOR.** — 1. It shall be the duty of the supervisor of liquor control to cause to be inspected all beer, as defined in this chapter, or other intoxicating malt liquors, brewed, manufactured or sold in this state, and he shall determine whether such beer or other intoxicating malt liquor has been made from pure hops or the pure extract of hops, or of pure barley malt or other wholesome grains or cereals, or wholesome yeast, and pure water, and whether the package containing such beer or intoxicating malt liquor has

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been correctly labeled to show that the same has been made from wholesome ingredients.

**2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control shall not require product samples and shall not require the testing of product samples to determine alcohol content prior to granting approval for the sale of any such beer or other intoxicating malt liquor product in the state of Missouri if the supervisor of liquor control is provided with a copy of a certificate of label approval issued by the Federal Bureau of Alcohol, Tobacco and Firearms which verifies the alcohol content of the product.**

**311.540. LIQUOR INSPECTION, LABELING AND GAUGING — REQUIREMENTS.**

— **1.** Every person, persons or corporation who shall manufacture or distill spirituous liquors, including brandy, rum, whiskey, and gin, and other spirituous liquors, within this state, and wholesale or retail dealers or any other person who shall import such intoxicating liquors into this state, for the purpose of sale or offering the same for sale in this state, shall, before offering the same for sale, cause the same to be inspected and gauged by the supervisor of liquor control. It shall be the duty of the supervisor of liquor control to inspect and gauge such character of intoxicating liquor referred to in this section and to ascertain whether the same is correctly labeled.

**2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control shall not require product samples and shall not require the testing of product samples to determine alcohol content prior to granting approval for the sale of any such spirituous liquors product in the state if the supervisor of liquor control is provided with a copy of a certificate of label approval issued by the Federal Bureau of Alcohol, Tobacco and Firearms which verifies the alcohol content of the product.**

**312.210. INSPECTION.— 1.** It shall be the duty of the supervisor of liquor control to inspect, or to cause to be inspected, all nonintoxicating beer brewed or manufactured and sold, or sold, in this state, and he shall determine whether such nonintoxicating beer has been made from pure hops or pure extract of hops and pure barley malt, or other wholesome grains or cereals, and wholesome yeast and pure water, and whether the package or packages containing such nonintoxicating beer have been correctly stamped to show that the same has been made from pure hops or pure extract of hops and pure barley malt, or other wholesome grains or cereals, and wholesome yeast and pure water.

**2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control shall not require product samples and shall not require the testing of product samples to determine alcohol content prior to granting approval for the sale of any such nonintoxicating beer product in the state of Missouri if the supervisor of liquor control is provided with a copy of**

**a certificate of label approval issued by the Federal Bureau of Alcohol, Tobacco and Firearms which verifies the alcohol content of the product.**

Approved June 27, 2000

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HB 1647 [HB 1647]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Allows the city of North Kansas City to establish reserve funds.**

AN ACT to amend chapter 77, RSMo, relating to third class cities, by adding thereto one new section relating to capital improvement reserve funds in third class cities.

SECTION

A. Enacting clause.

77.670. Reserve funds, certain third class cities may establish (including North Kansas City).

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Chapter 77, RSMo, is amended by adding thereto one new section, to be known as section 77.670, to read as follows:

**77.670. RESERVE FUNDS, CERTAIN THIRD CLASS CITIES MAY ESTABLISH (INCLUDING NORTH KANSAS CITY).**— **The governing body of any third class city with a population of more than four thousand but less than four thousand five hundred inhabitants that is located in a county of the first classification with a population of more than one hundred fifty thousand but less than one hundred seventy thousand inhabitants may establish, by ordinance, reserve funds. In the ordinance establishing the reserve funds, the city may either earmark the funds for a specific project, or for operations in general. The repeal or amendment of any such ordinance shall be approved by the qualified voters of the city.**

Approved June 27, 2000

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HB 1659 [SCS HB 1659]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Authorizes sales and tourism taxes for certain cities and counties.**

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AN ACT to repeal section 144.157, RSMo 1994, and sections 67.1003 and 67.1360, RSMo Supp. 1999, relating to sales taxes, and to enact in lieu thereof four new sections relating to the same subject.

SECTION

- A. Enacting clause.
- 67.1003. Transient guest tax on hotels and motels in counties and cities meeting a room requirement or a population requirement, amount, issue submitted to voters, ballot language.
- 67.1360. Transient guests to pay tax for funding the promotion of tourism, certain cities and counties, vote required (including Bloomfield, Bonne Terre, Boonville, Caruthersville, Desloge, Grain Valley, Hollister, Howard County, Leadington, Lebanon, New Madrid County and fourth class cities therein, Park Hills, St. James and Stoddard County).
- 94.1008. Economic development sales tax authorized for Kirksville, ballot language, expiration date, collection, rate, creation of fund.
- 144.157. Violations in collecting, penalty.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Section 144.157, RSMo 1994, and sections 67.1003 and 67.1360 are repealed and four new sections enacted in lieu thereof, to be known as sections 67.1003, 67.1360, 94.1008 and 144.157, to read as follows:

**67.1003. TRANSIENT GUEST TAX ON HOTELS AND MOTELS IN COUNTIES AND CITIES MEETING A ROOM REQUIREMENT OR A POPULATION REQUIREMENT, AMOUNT, ISSUE SUBMITTED TO VOTERS, BALLOT LANGUAGE.**— 1. The governing body of any city or county, other than a city or county already imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof pursuant to any other law of this state, having more than three hundred fifty hotel and motel rooms inside such city or county or a county of the third classification with a population of [less than seven thousand three hundred fifty and having an assessed valuation of less than forty-nine million dollars] **more than seven thousand but less than seven thousand four hundred inhabitants** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. Notwithstanding any other provision of law to the contrary, the tax authorized in this section shall not be imposed in any city or county [where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and

motels situated in such city or county or a portion thereof is imposed] **already imposing such tax** pursuant to any other law of this state.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city or county) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ YES

☐ NO

4. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

**67.1360. TRANSIENT GUESTS TO PAY TAX FOR FUNDING THE PROMOTION OF TOURISM, CERTAIN CITIES AND COUNTIES, VOTE REQUIRED (INCLUDING BLOOMFIELD, BONNE TERRE, BOONVILLE, CARUTHERSVILLE, DESLOGE, GRAIN VALLEY, HOLLISTER, HOWARD COUNTY, LEADINGTON, LEBANON, NEW MADRID COUNTY AND FOURTH CLASS CITIES THEREIN, PARK HILLS, ST. JAMES AND STODDARD COUNTY).**— The governing body of a city with a population of more than seven thousand and less than seven thousand five hundred and a county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003, or a third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants, or any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants, or any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty- eight thousand inhabitants, or any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants, or any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants, **or any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand, or any county of the second classification without a township form of government and a population of less than thirty thousand or any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand, or any county of**

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the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand and any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand, or any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand, may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

**94.1008. ECONOMIC DEVELOPMENT SALES TAX AUTHORIZED FOR KIRKSVILLE, BALLOT LANGUAGE, EXPIRATION DATE, COLLECTION, RATE, CREATION OF FUND. — 1.** The governing body of any third class city with a population of at least seventeen thousand which is located in a county of the third classification without a township form of government and with a population of at least twenty-four thousand four hundred but not in excess of twenty-five thousand may impose, by ordinance or order, an economic development sales tax on all retail sales which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, for the purpose of funding economic development. For the purposes of this section, the term "economic development" shall mean funding any economic development project approved by the voters, including a transportation corporation, as defined in sections 238.300 to 238.367, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law. The ordinance or order shall become effective after the governing body of the city shall submit to the voters of that city a proposal to authorize the tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of ..... (name of city) impose a sales tax of ..... (insert rate) for the purpose of funding economic development in order to fund a ..... (description of economic development project to be approved); provided that, the sales tax shall terminate upon the payment of all bonds

issued to complete the ..... (description of economic development project to be approved)? There is no guarantee of any state funding.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order shall be in effect, beginning the first day of the second calendar quarter following its adoption or a later date if authorized by the governing body. If the governing body has not authorized the initial collection of the tax pursuant to such ordinance or order within three years after the date of the passage of the proposal, authorization for the governing body to impose such tax shall expire. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the city shall have no power to impose the sales tax authorized in this section unless and until the governing body of the city shall again have submitted another such proposal and the proposal is approved by the requisite majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal submitted pursuant to this section.

3. After the effective date of any tax imposed pursuant to the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement and operation of the tax in the same manner as provided in sections 94.500 to 94.550, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized pursuant to the authority of this section. The tax imposed pursuant to this section and the tax imposed pursuant to the sales tax law of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

4. The economic development sales tax may be approved at a rate of one-quarter of one percent, one-half of one percent, three-fourths of one percent or one percent of the receipts from the sale at retail of all tangible personal property and taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo.

5. All revenue generated from the tax authorized pursuant to the provisions of this section, less one percent for the cost of collection which shall be deposited in the general revenue fund, shall be deposited into the "Local Economic Development Sales Tax Fund", which is hereby created in the state treasury. The fund moneys shall be distributed to the city from which the revenue was generated for the sole purpose of funding economic development,

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as that term is defined in this section. The tax authorized by this section shall terminate as approved by the voters.

**144.157. VIOLATIONS IN COLLECTING, PENALTY.** — 1. Any person required to collect, truthfully account for and pay over any tax imposed by sections **67.1170 to 67.1180, 94.800 to 94.825, RSMo, and sections** 144.010 to 144.525 and 144.600 to 144.745 who willfully fails to collect such tax or truthfully account for and pay over such tax or willfully attempts in any manner to evade or defeat the tax or the payment thereof, or who shall willfully and knowingly overcharge or overcollect such tax with intent to make claim to any such overcharged or overcollected amounts under section 144.190, shall, in addition to other penalties provided by law, be liable to a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over, or overcharged or overcollected.

2. For purposes of this section, the term "person" includes an individual or an officer or employee of any corporation, including an administratively dissolved corporation or a foreign corporation that has had its certificate of authority revoked, or a member or employee of any partnership, who, as such officer, employee or member, is under a duty to perform the act in respect of which the violation occurs.

3. Any officers, directors, statutory trustees or employees of any corporation, including administratively dissolved corporations or foreign corporations that have had their certificate of authority revoked, subject to the provisions of sections 144.010 to 144.745, who has the direct control, supervision or responsibility for filing returns and making payment of the amount of tax imposed in accordance with sections 144.010 to 144.745, and who fails to file such return and make payment of all taxes due with the director of revenue shall be personally assessed for such amounts, including interest, additions to tax and penalties thereon. This assessment shall be imposed only in the event that the assessment on the corporation is final, and such corporation fails to pay such amounts to the director of revenue. Notice shall be given of the director of revenue's intent to make the assessment against such officers, directors, statutory trustees or employees. The personal liability of such officers, directors, statutory trustees or employees as provided in this section shall survive the administrative dissolution of the corporation or, if a foreign corporation, the revocation of the corporation's certificate of authority.

Approved June 27, 2000

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HB 1677 [SCS HS HCS HB 1677, 1675 & 1676]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Amends or creates various domestic violence and criminal reporting laws.**

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AN ACT to repeal sections 455.085, 455.220 and 455.230, RSMo 1994, and sections 210.001, 375.1312, 455.010, 455.045, 455.050, 455.205, 455.540, 455.543, 455.545 and 565.063, RSMo Supp. 1999, and to enact in lieu thereof twenty new sections relating to domestic violence, with penalty provisions.

SECTION

- A. Enacting clause.
- 43.505. Uniform crime reporting system established — duties of department — violations, penalty.
- 210.001. Department of social services to meet needs of homeless, dependent and neglected children — only certain regional child assessment centers funded.
- 375.1312. Domestic violence, status as a victim not to be used by insurer — definitions — penalty — innocent coinsured, benefits paid, when.
- 455.010. Definitions.
- 455.045. Temporary relief available.
- 455.050. Full or ex parte order of protection, abuse or stalking, contents — relief available.
- 455.085. Arrest for violation of order — penalties — good faith immunity for law enforcement officials.
- 455.205. Funding shelters — fees for marriage licenses — surcharge for filing of civil case, how established, amount — reports.
- 455.220. Requirements for shelter to qualify for funds.
- 455.230. Annual reports by shelters, contents — confidentiality — child assessment center established by department.
- 455.300. Missouri domestic violence commission established — members, meetings, rules.
- 455.305. Domestic violence intervention/rehabilitation pilot projects — purpose, funding, rules.
- 455.540. Definitions.
- 455.543. Homicides or suicides, determination of domestic violence, factors to be considered — reports made to highway patrol, forms, due when.
- 455.545. Annual report by highway patrol.
- 455.550. Social Security number of respondent included in full orders of protection.
- 565.063. Prior and persistent domestic violence offenders — definitions — sentencing — procedure at trial — evidence of prior convictions, proof, how heard — past history of domestic violence, evidence admissible.
- 565.072. Domestic assault, first degree — penalty.
- 565.073. Domestic assault, second degree — penalty.
- 565.074. Domestic assault, third degree — penalty.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 455.085, 455.220 and 455.230, RSMo 1994, and sections 210.001, 375.1312, 455.010, 455.045, 455.050, 455.205, 455.540, 455.543, 455.545 and 565.063, RSMo Supp. 1999, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 43.505, 210.001, 375.1312, 455.010, 455.045, 455.050, 455.085, 455.205, 455.220, 455.230, 455.300, 455.305, 455.540, 455.543, 455.545, 455.550, 565.063, 565.072, 565.073 and 565.074, to read as follows:

**43.505. UNIFORM CRIME REPORTING SYSTEM ESTABLISHED — DUTIES OF DEPARTMENT — VIOLATIONS, PENALTY. — 1. The department of public safety is hereby designated as the central repository for the collection, maintenance, analysis and reporting of crime incident activity generated by law enforcement agencies in this state. The department shall develop and operate**

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a uniform crime reporting system that is compatible with the national uniform crime reporting system operated by the Federal Bureau of Investigation.

2. The department of public safety shall:

(1) Develop, operate and maintain an information system for the collection, storage, maintenance, analysis and retrieval of crime incident and arrest reports from Missouri law enforcement agencies;

(2) Compile the statistical data and forward such data as required to the Federal Bureau of Investigation or the appropriate Department of Justice agency in accordance with the standards and procedures of the national system;

(3) Provide the forms, formats, procedures, standards and related training or training assistance to all law enforcement agencies in the state as necessary for such agencies to report incident and arrest activity for timely inclusion into the statewide system;

(4) Annually publish a report on the nature and extent of crime and submit such report to the governor and the general assembly. Such report and other statistical reports shall be made available to state and local law enforcement agencies and the general public through an electronic or manual medium;

(5) Maintain the privacy and security of information in accordance with applicable state and federal laws, regulations and orders; and

(6) Establish such rules and regulations as are necessary for implementing the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

3. Every law enforcement agency in the state shall:

(1) Submit crime incident reports to the department of public safety on forms or in the format prescribed by the department; and

(2) Submit any other crime incident information which may be required by the department of public safety.

4. Any law enforcement agency that violates this section may be ineligible to receive state or federal funds which would otherwise be paid to such agency for law enforcement, safety or criminal justice purposes.

**210.001. DEPARTMENT OF SOCIAL SERVICES TO MEET NEEDS OF HOMELESS, DEPENDENT AND NEGLECTED CHILDREN — ONLY CERTAIN REGIONAL CHILD ASSESSMENT CENTERS FUNDED.** — 1. The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the division of family services and to their families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Insuring that appropriate social services are provided to the family unit both prior to the removal of the child from the home and after family reunification;

(3) Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.

2. The department of social services shall fund only regional child assessment centers know as:

(1) The St. Louis city child assessment center;

(2) The St. Louis County child assessment center;

(3) The Jackson County child assessment center;

(4) The Buchanan County child assessment center;

(5) The Greene County child assessment center;

(6) The Boone County child assessment center;

(7) The Joplin child assessment center; [and]

(8) The St. Charles County child assessment center;

**(9) The Jefferson County child assessment center; and**

**(10) The Pettis County child assessment center.**

**375.1312. DOMESTIC VIOLENCE, STATUS AS A VICTIM NOT TO BE USED BY INSURER — DEFINITIONS — PENALTY — INNOCENT COINSURED, BENEFITS PAID, WHEN.**— 1. As used in this section, the following terms mean:

(1) "Domestic violence", the occurrence of **stalking or** one or more of the following acts between family or household members:

(a) Attempting to cause or intentionally or knowingly causing bodily injury or physical harm;

(b) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person under circumstances that place the person in reasonable fear of bodily injury or physical harm; or

(c) Knowingly committing forcible rape, sexual assault or forcible sodomy, as defined in chapter 566, RSMo;

(2) "Family or household member", [a spouse, former spouse, person living with another person, whether or not as spouses, parent or other adult person related by consanguinity or affinity who is residing or has resided with the person committing the domestic violence and dependents of such persons] **spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past and adults who have a child in common regardless of whether they have been married or have resided together at any time;**

(3) "Innocent coinsured", **an insured who did not cooperate in or contribute to the creation of a property loss and the loss arose out of a pattern of domestic violence;**

(4) "Sole", **a single act or a pattern of domestic violence which may include multiple acts;**

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(5) "Stalking", when an adult purposely and repeatedly harasses or follows with the intent of harassing another adult. As used in this subdivision, "harasses" means to engage in a course of conduct directed at a specific adult that serves no legitimate purpose, that would cause a reasonable adult to suffer substantial emotional distress. As used in this subdivision, "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct".

2. No insurer shall do any of the following on the sole basis of the status of an insured or prospective insured as a victim of domestic violence:

- (1) Deny, cancel or refuse to issue or renew an insurance policy;
- (2) Require a greater premium, deductible or any other payment;
- (3) Exclude or limit coverage for losses or deny a claim;
- (4) Designate domestic violence as a preexisting condition for which coverage will be denied or reduced;
- (5) Terminate group coverage solely because of claims relating to the fact that any individual in the group is or has been a victim of domestic violence; or
- (6) Fix any lower rate or discriminate in the fees or commissions of an agent for writing or renewing a policy insuring an individual solely because an individual is or has been a victim of domestic violence.

3. The fact that an insured or prospective insured has been a victim of domestic violence shall not be considered a permitted underwriting or rating criterion.

4. Nothing in this section shall prohibit an insurer from taking an action described in subsection 2 of this section if the action is otherwise permissible by law and is taken in the same manner and to the same extent with respect to all insureds and prospective insureds without regard to whether the insured or prospective insured is a victim of domestic violence.

**5. If an innocent coinsured files a police report and completes a sworn affidavit for the insurer that indicates both the cause of the loss and a pledge to cooperate in any criminal prosecution of the person committing the act causing the loss, then no insurer shall deny payment to an innocent coinsured on a property loss claim due to any policy provision that excludes coverage for intentional acts. Payment to the innocent coinsured may be limited to such innocent coinsured's ownership interest in the property as reduced by any payment to a mortgagor or other secured interest; however, insurers shall not be required to make any subsequent payment to any other insured for the part of any loss for which the innocent coinsured has received payment. An insurer making payment to an insured shall have all rights of subrogation to recover against the perpetrator of the loss.**

6. A violation of this section shall be subject to the provisions of sections 375.930 to 375.948, relating to unfair trade practices.

**455.010. DEFINITIONS.** — As used in sections 455.010 to 455.085, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse" includes but is not limited to the occurrence of any of the following acts, attempts, or threats against a person who may be protected [under] **pursuant to** sections 455.010 to 455.085:

(a) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

(b) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

(c) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

(d) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to another adult and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner. Such conduct might include, but is not limited to:

a. Following another about in a public place or places;

b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;

(e) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress;

(f) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will;

(2) "Adult", any person eighteen years of age or older or otherwise emancipated;

(3) "Court", the circuit or associate circuit judge or a family court commissioner;

(4) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;

(5) "Family" or "household member", spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past, **an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim**, and adults who have a child in common regardless of whether they have been married or have resided together at any time;

(6) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;

(7) "Order of protection", either an ex parte order of protection or a full order of protection;

(8) "Petitioner", a family or household member or an adult who has been the victim of stalking, who has filed a verified petition [under] **pursuant to** the provisions of section 455.020;

(9) "Respondent", the family or household member or adult alleged to have committed an act of stalking, against whom a verified petition has been filed;

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(10) "Stalking" is when an adult purposely and repeatedly harasses or follows with the intent of harassing another adult. As used in this subdivision, "harasses" means to engage in a course of conduct directed at a specific adult that serves no legitimate purpose, that would cause a reasonable adult to suffer substantial emotional distress. As used in this subdivision, "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct".

**455.045. TEMPORARY RELIEF AVAILABLE.** — Any ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from abuse or stalking and may include:

- (1) Restraining the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner;
- (2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:
  - (a) Jointly owned, leased or rented or jointly occupied by both parties; or
  - (b) Owned, leased, rented or occupied by petitioner individually; or
  - (c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or
  - (d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;
- (3) **Restraining the respondent from communicating with the petitioner in any manner or through any medium;**
- (4) A temporary order of custody of minor children where appropriate.

**455.050. FULL OR EX PARTE ORDER OF PROTECTION, ABUSE OR STALKING, CONTENTS — RELIEF AVAILABLE.** — 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from abuse or stalking and may include:

- (1) Temporarily enjoining the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner;
- (2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:
  - (a) Jointly owned, leased or rented or jointly occupied by both parties; or
  - (b) Owned, leased [or], rented **or occupied** by petitioner individually; or
  - (c) Jointly owned, leased [or], rented **or occupied** by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or
  - (d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit[.]; **or**
- (3) **Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium;**

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452, RSMo;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452, RSMo;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs;

**(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent.**

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a

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court-appointed special advocate to represent the children in accordance with chapter 452, RSMo, and shall consider all other factors in accordance with chapter 452, RSMo.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair the child's emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further abuse. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452, RSMo, whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452, RSMo.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452, RSMo.

**455.085. ARREST FOR VIOLATION OF ORDER — PENALTIES — GOOD FAITH IMMUNITY FOR LAW ENFORCEMENT OFFICIALS.** — 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to abuse or assault, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest he is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The

arresting officer shall attempt to identify and shall arrest the party he believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

- (1) The intent of the law to protect victims of domestic violence from continuing abuse;
- (2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;
- (3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of family violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether he should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to abuse, stalking, child custody, **communication initiated by the respondent** or entrance upon the premises of the petitioner's dwelling unit, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to abuse, stalking, child custody, **communication initiated by the respondent** or entrance upon the premises of the petitioner's dwelling unit, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case

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the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of abuse or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270, RSMo.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

**455.205. FUNDING SHELTERS — FEES FOR MARRIAGE LICENSES —  
SURCHARGE FOR FILING OF CIVIL CASE, HOW ESTABLISHED, AMOUNT —**

**REPORTS.** — 1. The governing body of any county, or of any city not within a county, by order or ordinance to be effective prior to January 1, [2000] **2001**, may impose a fee upon the issuance of a marriage license and may impose a surcharge upon any civil case filed in the circuit court [under the provisions of section 452.305, RSMo]. The surcharge shall not be charged when [no court costs are otherwise required, and shall not be charged when] costs are waived or are to be paid by the state, county or municipality.

2. The fee imposed upon the issuance of a marriage license shall be five dollars, shall be paid by the person applying for the license, and shall be collected by the recorder of deeds at the time the license is issued. The surcharge imposed upon the filing of a civil action shall be two dollars, shall be paid by the party who filed the petition, and shall be collected and disbursed by the clerk of the court in the manner provided by sections 488.010 to 488.020, RSMo. Such amounts shall be payable to the treasuries of the counties from which such surcharges were paid.

3. At the end of each month, the recorder of deeds shall file a verified report with the county commission of the fees collected pursuant to the provisions of subsection 2 of this section. The report may be consolidated with the monthly report of other fees collected by such officers. Upon the filing of the reports the recorder of deeds shall forthwith pay over to the county treasurer all fees collected pursuant to subsection 2 of this section. The county treasurer shall deposit all such fees upon receipt in a special fund to be expended only to provide financial assistance to shelters for victims of domestic violence as provided in sections 455.200 to 455.230.

**455.220. REQUIREMENTS FOR SHELTER TO QUALIFY FOR FUNDS.** — 1. To qualify for funds allocated and distributed pursuant to section 455.215 a shelter shall meet all of the following requirements:

- (1) Be incorporated in the state as a nonprofit corporation;
  - (2) Have trustees who represent the racial, ethnic and socioeconomic diversity of the community to be served, at least one of whom must possess personal experience in confronting or mitigating the problems of domestic violence;
  - (3) Receive at least twenty-five percent of its funds from sources other than funds distributed pursuant to section 455.215. These other sources may be public or private and may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;
  - (4) Provide residential service or facilities for children when accompanied by a parent, guardian, or custodian who is a victim of domestic violence and who is receiving temporary residential service at the shelter;
  - (5) Require persons employed by or volunteering services to the shelter to maintain the confidentiality of any information that would identify individuals served by the shelter **and any information or records that are directly related to the advocacy services provided to such individuals;**
  - (6) **Prior to providing any advocacy services, inform individuals served by the shelter of the nature and scope of the confidentiality requirement in subdivision (5) of this subsection.**
2. **Any person employed by or volunteering services to a shelter for victims of domestic violence shall be incompetent to testify concerning any confidential information described in subdivision (5) of subsection 1 of this section, unless the confidentiality requirement is waived in writing by the individual served by the shelter.**
3. A shelter does not qualify for funds if it discriminates in its admissions or provision of services on the basis of race, religion, color, age, marital status, national origin, or ancestry.

**455.230. ANNUAL REPORTS BY SHELTERS, CONTENTS — CONFIDENTIALITY — CHILD ASSESSMENT CENTER ESTABLISHED BY DEPARTMENT. — 1.** A shelter for victims of domestic violence that receives funds pursuant to sections 455.200 to 455.230 shall file an annual report with the designated authority of the county, or of the city not within a county, in which it is located, on or before the thirty-first day of March of the year following the year in which funds were received. The annual report shall include statistics on the number of persons served by the shelter, the relationship of the victim of domestic violence to the abuser, the number of referrals made for medical, psychological, financial, educational, vocational, child care services or legal services, and shall include the results of an independent audit. No information contained in the report shall identify any person served by the shelter or enable any person to determine the identity of any such person. **Any information contained in the report that is directly related to advocacy services provided by the shelter shall not be construed as a violation of section 455.220. Any shelter for victims of domestic violence as defined in this chapter may apply to the department of public safety for a grant to provide funds for the renovation, construction and improvement of such shelter on a 75/25 state/local match rate, subject to appropriation.**

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2. The designated authority shall compile the reports filed pursuant to subsection 1 of this section annually.

3. In addition to any shelter funded under said section, subject to appropriation, the department of social services shall fund a child assessment center to serve the needs of children from families in conflict and from domestic violence to be located in any county of the first classification without a charter form of government with a population of more than one hundred sixty thousand but less than two hundred thousand.

**455.300. MISSOURI DOMESTIC VIOLENCE COMMISSION ESTABLISHED — MEMBERS, MEETINGS, RULES. — 1.** There is hereby established the "Missouri Domestic Violence Commission" within the department of public safety, to study solutions for domestic violence in Missouri. The commission shall be composed of the following members:

(1) One judge of a juvenile court, who shall be appointed by the chief justice of the supreme court;

(2) One judge of a family court, who shall be appointed by the chief justice of the supreme court;

(3) Nine members of the general public, five of whom shall represent domestic violence providers and one of whom shall represent a state-wide coalition against domestic violence. All members shall serve for as long as they hold the position which made them eligible for appointment to the Missouri domestic violence commission under this subsection. All members shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

2. All meetings of the Missouri domestic violence commission shall be open to the public and shall, for all purposes, be deemed open public meetings under the provisions of sections 610.010 to 610.030, RSMo. The Missouri domestic violence commission shall meet no less than once every two months, and shall hold its first meeting no later than sixty days after January 1, 2001. Notice of all meetings of the commission shall be given to the general assembly in the same manner required for notifying the general public of meetings of the general assembly.

3. The Missouri domestic violence commission may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.

4. The commission shall elect from amongst its members a chairman, vice chairman, a secretary-reporter, and such other officers as it deems necessary.

5. The services of the personnel of any agency from which the director or deputy director is a member of the commission shall be made available to the commission at the discretion of such director or deputy director. All meetings of the commission shall be held in the state of Missouri.

6. The commission, by majority vote, may invite individuals representing local and federal agencies or private organizations and the general public to

serve as ex officio members of the commission. Such individuals shall not have a vote in commission business and shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

**455.305. DOMESTIC VIOLENCE INTERVENTION/REHABILITATION PILOT PROJECTS — PURPOSE, FUNDING, RULES. — 1.** Beginning in 2001, the department of social services and the Missouri domestic violence commission established pursuant to this chapter, shall establish and administer up to twenty domestic violence intervention/rehabilitation pilot projects. Such projects shall operate as satellite projects through existing domestic violence prevention facilities where no such facilities exist for the following purposes:

- (1) To implement, expand, and establish cooperative efforts between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence;
- (2) To prevent domestic violence and provide immediate shelter for victims of domestic violence;
- (3) To provide treatment and counseling to victims of domestic violence; and
- (4) To work in cooperation with the community to develop education and prevention strategies regarding domestic violence.

2. Funding for the pilot programs shall be subject to appropriation.

3. The department and the commission shall promulgate rules and regulations, pursuant to chapter 536, RSMo, to implement, administer, and monitor the pilot projects. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

4. Beginning in 2001, the department and the commission shall submit an annual report of its activities to the speaker of the house of representatives, the president pro tem of the senate, and the governor before December thirty-first of each year.

**455.540. DEFINITIONS.** — As used in sections 455.540 to 455.547, the following terms shall mean:

- (1) "Adult", any person eighteen years of age or older;
  - (2) "Domestic violence", as provided in section 455.200[;];
  - (3) "Homicide", any crime which may be charged as one of the following: first degree murder pursuant to section 565.020, RSMo; second degree murder
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pursuant to section 565.021, RSMo; voluntary manslaughter pursuant to section 565.023, RSMo; or involuntary manslaughter pursuant to section 565.024, RSMo].

**455.543. HOMICIDES OR SUICIDES, DETERMINATION OF DOMESTIC VIOLENCE, FACTORS TO BE CONSIDERED — REPORTS MADE TO HIGHWAY PATROL, FORMS, DUE WHEN.** — 1. [In any case involving a homicide where the victim is an adult, the local law enforcement agency with jurisdiction shall make a determination as to whether there is reason to believe the homicide is related to domestic violence.] **In any incident investigated by a law enforcement agency involving a homicide or suicide, the law enforcement agency shall make a determination as to whether the homicide or suicide is related to domestic violence, as defined in section 455.200.**

2. In making such determination, the local law enforcement agency may consider a number of factors including, but not limited to, the following:

(1) **If the relationship between the perpetrator and the victim is or was that of a family or household member, as defined in section 455.010;**

(2) Whether the victim **or perpetrator** had previously filed for an order of protection [pursuant to this chapter];

(3) Whether [such agency has previously investigated or received reports of alleged incidents of domestic violence against the victim] **any of the subjects involved in the incident had previously been investigated for incidents of domestic violence;** and

(4) Any other evidence regarding the homicide **or suicide** that assists the agency in making its determination.

3. After making a determination as to whether the homicide **or suicide** is related to domestic violence, the [chief local] law enforcement [officer or his designee shall complete an appropriate form stating whether the homicide was related to domestic violence and which] **agency shall forward the information required within fifteen days to the Missouri state highway patrol on a form or format approved by the patrol. The required information shall include the [name,] gender and age of the victim, the type of incident investigated, the disposition of the incident and the relationship of the victim to the perpetrator.** The state highway patrol shall develop a form for this purpose which shall be distributed by the department of public safety to all [local] law enforcement agencies by October 1, [1998] **2000**. Completed forms shall be forwarded to the highway patrol [no later than seven days after a suspect is arrested for the homicide] **without undue delay as required by section 43.500, RSMo; except that all such reports shall be forwarded no later than seven days after an incident is determined or identified as a homicide or suicide involving domestic violence.**

**455.545. ANNUAL REPORT BY HIGHWAY PATROL.** — The highway patrol shall compile an annual report of homicides **and suicides** related to domestic violence. Such report shall be presented by February first of the subsequent year to the governor, speaker of the house of representatives, and president pro tempore of the senate.

**455.550. SOCIAL SECURITY NUMBER OF RESPONDENT INCLUDED IN FULL ORDERS OF PROTECTION. — All full orders of protection issued pursuant to this chapter shall include the Social Security number of the respondent, if known.**

**565.063. PRIOR AND PERSISTENT DOMESTIC VIOLENCE OFFENDERS — DEFINITIONS — SENTENCING — PROCEDURE AT TRIAL — EVIDENCE OF PRIOR CONVICTIONS, PROOF, HOW HEARD — PAST HISTORY OF DOMESTIC VIOLENCE, EVIDENCE ADMISSIBLE. — 1. As used in this section, the following terms mean:**

(1) "Domestic assault offense"[,]:

(a) **The commission of the crime of domestic assault in the first degree pursuant to section 565.072 or domestic assault in the second degree pursuant to section 565.073; or**

(b) The commission of the crime of assault in the first degree[,], pursuant to the provisions of section 565.050[,], or assault in the second degree pursuant to the provisions of section 565.060, if the victim of the assault was a family or household member;

(2) "Family" or "household member", spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past and adults who have a child in common regardless of whether they have been married or have resided together at any time;

(3) "Persistent domestic violence offender", a person who has pleaded guilty to or has been found guilty of two or more domestic assault offenses, where such two or more offenses occurred within ten years of the occurrence of the domestic assault offense for which the person is charged; and

(4) "Prior domestic violence offender", a person who has pleaded guilty to or has been found guilty of one domestic assault offense, where such prior offense occurred within five years of the occurrence of the domestic assault offense for which the person is charged.

2. No court shall suspend the imposition of sentence as to a prior or persistent domestic violence offender pursuant to this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding, nor shall such person be eligible for parole or probation until such person has served a minimum of six months imprisonment.

3. The court shall find the defendant to be a prior domestic violence offender or persistent domestic violence offender, if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior domestic violence offender or persistent domestic violence offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior domestic violence offender or persistent domestic violence offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior domestic violence offender or persistent domestic violence offender.

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4. In a jury trial, such facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.
  5. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.
  6. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.
  7. The defendant may waive proof of the facts alleged.
  8. Nothing in this section shall prevent the use of presentence investigations or commitments.
  9. At the sentencing hearing both the state and the defendant shall be permitted to present additional information bearing on the issue of sentence.
  10. The pleas or findings of guilty shall be prior to the date of commission of the present offense.
  11. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior domestic violence offenders or persistent domestic violence offenders.
  12. Evidence of prior convictions shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon.
  13. Evidence of similar criminal convictions of domestic violence pursuant to this chapter, chapter 566, RSMo, or chapter 568, RSMo, within five years of the offense at issue, shall be admissible for the purposes of showing a past history of domestic violence.
  14. **Any person who has pleaded guilty to or been found guilty of a violation of section 565.072 shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the offender is a prior domestic violence offender. The offender shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole if the court finds the offender is a persistent domestic violence offender or the prior domestic violence offender inflicts serious physical injury on the victim.**
  15. **Any person who has pleaded guilty to or been found guilty of a violation of section 565.073 shall be sentenced:**
    - (a) **To the authorized term of imprisonment for a class B felony if the court finds the offender is a prior domestic violence offender; or**
    - (b) **To the authorized term of imprisonment for a class A felony if the court finds the offender is a persistent domestic violence offender.**
- [The provisions of section 375.1312, RSMo, shall become effective on January 1, 1999.]

**565.072. DOMESTIC ASSAULT, FIRST DEGREE — PENALTY. — 1. A person commits the crime of domestic assault in the first degree if he or she attempts**

to kill or knowingly causes or attempts to cause serious physical injury to a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010, RSMo.

2. Domestic assault in the first degree is a class B felony unless in the course thereof the actor inflicts serious physical injury on the victim in which case it is a class A felony.

**565.073. DOMESTIC ASSAULT, SECOND DEGREE — PENALTY. — 1.** A person commits the crime of domestic assault in the second degree if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010, RSMo, and he or she:

(1) Attempts to cause or knowingly causes physical injury to such family or household member by any means, including but not limited to, by use of a deadly weapon or dangerous instrument, or by choking or strangulation; or

(2) Recklessly causes serious physical injury to such family or household member; or

(3) Recklessly causes physical injury to such family or household member by means of any deadly weapon.

2. Domestic assault in the second degree is a class C felony.

**565.074. DOMESTIC ASSAULT, THIRD DEGREE — PENALTY. — 1.** A person commits the crime of domestic assault in the third degree if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010, RSMo, and:

(1) The person attempts to cause or recklessly causes physical injury to such family or household member; or

(2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or

(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or

(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.

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**3. A person who has pleaded guilty to or been found guilty of the crime of domestic assault in the third degree more than two times against any family or household member as defined in section 455.010, RSMo, is guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault. The offenses described in this subsection may be against the same family or household member or against different family or household members.**

Approved July 11, 2000

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HB 1739 [SCS HB 1739]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Relating to life insurance.**

AN ACT to repeal section 376.300, RSMo Supp. 1999, relating to life insurance, and to enact in lieu thereof two new sections relating to the same subject.

SECTION

A. Enacting clause.

376.300. Investment of surplus and reserve funds.

376.676. Regulation of the valuation of life insurance policies — may adopt NAIC model regulation.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Section 376.300, RSMo Supp. 1999, is repealed and two new sections enacted in lieu thereof, to be known as sections 376.300 and 376.676, to read as follows:

**376.300. INVESTMENT OF SURPLUS AND RESERVE FUNDS.**— 1. All other laws to the contrary notwithstanding, the capital, reserve and surplus of all life insurance companies of whatever kind and character organized [under] **pursuant to** the laws of this state shall be invested only in the following:

(1) Bonds, notes or other evidences of indebtedness, issued, assumed or guaranteed as to principal and interest, by the United States, any state, territory or possession of the United States, the District of Columbia, or of an administration, agency, authority or instrumentality of any of the political units enumerated, and of the Dominion of Canada;

(2) Bonds, notes or other evidences of indebtedness issued, assumed or guaranteed as to principal and interest by any foreign country or state not mentioned in subdivision (1) insofar as such bonds, notes or other evidences of

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indebtedness may be necessary or required in order to do business in such foreign state or country;

(3) Bonds, notes or other evidences of indebtedness issued, guaranteed or insured as to principal and interest, by a city, county, drainage district, levee district, road district, school district, tax district, town, township, village or other civil administration, agency, authority, instrumentality or subdivision of a city, county, state, territory or possession of the United States or of the District of Columbia, provided such obligations are authorized by law;

(4) Loans evidenced by bonds, notes or other evidences of indebtedness guaranteed or insured, but only to the extent guaranteed or insured by the United States, any state, territory or possession of the United States, the District of Columbia, or by any agency, administration, authority or instrumentality of any of the political units enumerated;

(5) Bonds, notes or other evidences of indebtedness issued, assumed or guaranteed by a corporation organized under the laws of the United States, any state, territory or possession of the United States, or the District of Columbia, provided such bonds, notes or other evidences of indebtedness shall meet with the requirements of either paragraph (a) or (b) of this subdivision:

(a) The issuing, assuming or guaranteeing corporation shall have had bonds, notes or other evidences of indebtedness outstanding for five years prior to the time of acquisition of such bonds or other evidences of indebtedness and shall not have defaulted in the payment of either principal or interest upon any of its outstanding indebtedness during such five-year period;

(b) Such bonds, notes or other evidences of indebtedness are not in default as to principal or interest; and

a. The net earnings of the issuing, assuming or guaranteeing corporation or corporations, for a period of five fiscal years next preceding the date of acquisition, shall have averaged per year not less than one and one-half times its or their annual fixed charges as of the date of acquisition; or

b. Such corporation or corporations, over the period of the five fiscal years immediately preceding purchase, shall have earned an average amount per annum at least equal to two times the amount of the yearly interest charges upon all its or their bonds, notes and other evidences of indebtedness of equal or prior lien outstanding at date of purchase;

(6) (a) Notes, equipment trust certificates or obligations which are adequately secured, or other adequately secured instruments evidencing an interest in any equipment leased or sold to a corporation, other than the life insurance company making the investment or its parent or affiliates, which qualifies under subdivision (5) of this subsection for investment in its bonds, notes, or other evidences of indebtedness, or to a common carrier, domiciled within the United States or the Dominion of Canada, with gross revenues exceeding one million dollars in the fiscal year immediately preceding purchase, which provide a right to receive determined rental, purchase, or other fixed obligatory payments for the use or purchase of such equipment and which obligatory payments are adequate to retire the obligations within twenty years from date of issue; or

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(b) Notes, trust certificates, or other instruments which are adequately secured. Such notes, trust certificates, or other instruments shall be considered adequately secured for the purposes of this paragraph if a corporation or corporations which qualify under subdivision (5) of this subsection for investment in their bonds, notes, or other evidences of indebtedness, are jointly or severally obliged under a binding lease or agreement to make rental, purchase, use, or other payments for the benefit of the life insurance company making the investment which are adequate to retire the instruments according to their terms within twenty years from date of issue;

(7) Preferred or guaranteed stocks or shares of any solvent corporation created or existing under the laws of the United States, any state, territory or possession of the United States, or the District of Columbia, if all of the prior obligations and prior preferred stocks, if any, of such corporation, at the date of acquisition, are eligible as investments under any provisions of this section; and if qualified under paragraph (a) or paragraph (b) following:

(a) Preferred stocks or shares shall be deemed qualified if both of the following requirements are fulfilled:

a. The net earnings of such corporation available for its fixed charges for a period of five fiscal years next preceding the date of acquisition shall have averaged per year no less than one and one-half times the sum of its average annual fixed charges, if any, its average annual maximum contingent interest, if any, and its average annual preferred dividend requirements applicable to such period; and

b. During each of the last two years of such period, such net earnings shall have been no less than one and one-half times the sum of its fixed charges, contingent interest and preferred dividend requirements for each year. The term "preferred dividend requirements" shall be deemed to mean cumulative or noncumulative dividends, whether paid or not;

(b) Guaranteed stocks or shares shall be deemed qualified if the assuming or guaranteeing corporation meets the requirements of subparagraph a. of paragraph (b) of subdivision (5) of this subsection construed so as to include as a fixed charge the amount of guaranteed dividends of such issue or the rental covering the guarantee of such dividends;

(8) **Stocks or** shares of insured state-chartered building and loan associations [and], federal savings and loan associations, if such shares are insured by the Federal Savings and Loan Insurance Corporation [under] **pursuant to** the terms of Title IV of the act of the Congress of the United States, entitled "The National Housing Act" (12 U.S.C.A. sections 1724 to 1730), as the same presently exists or may subsequently be amended, **and federal home loan banks**;

(9) Loans evidenced by notes or other evidences of indebtedness and secured by first mortgage liens on unencumbered real estate or unencumbered leaseholds having at least twenty-five years of unexpired term, such real estate or leaseholds to be located in the United States, any territory or possession of the United States. Such loans shall not exceed eighty percent of the fair market value of the security of the loan for insurance companies. However, insurance companies may make loans in excess of eighty percent of the fair market value of the security for the loan, but not to exceed ninety-five percent of the fair market value of the security for the loan, if that portion of the total indebtedness in excess of seventy-five

percent of the value of the security for the loan is guaranteed or insured by a mortgage insurance company authorized by the director of insurance to do business in this state, and provided the mortgage insurance company is not affiliated with the entity making the loan. In addition, an insurance company may not place more than two percent of its admitted assets in loans in which the amount of the loan exceeds ninety percent of the fair market value of the security for the loan. An entity which is restricted by section 104.440, RSMo, in making investments to those authorized life insurance companies may make loans in excess of eighty percent of the fair market value of the security of the loan if that portion of the total indebtedness in excess of eighty percent of the fair market value is insured by a mortgage insurance company authorized by the director of insurance to do business in this state. Any life insurance company may sell any real estate acquired by it and take back a purchase money mortgage or deed of trust for the whole or any part of the sale price; and such percentage may be exceeded if and to the extent such excess is guaranteed or insured by the United States, any state, territory or possession of the United States, any city within the United States having a population of one hundred thousand or more or by an administration, agency, authority or instrumentality of any such governmental units; and such percentage shall not exceed one hundred percent if such a loan is made to a corporation which qualifies [under] **pursuant to** subdivision (5) for investment in its bonds, notes or other evidences of indebtedness, or if the borrower assigns to the lender a lease or leases on the real estate providing rentals payable to the borrower in amounts sufficient to repay such loan with interest in the manner specified by the note or notes evidencing such loan and executed as lessee or lessees by a corporation or corporations, which qualify [under] **pursuant to** subdivision (5) for investment in its or their bonds, notes or other evidences of indebtedness. No mortgage loan upon a leasehold shall be made or acquired pursuant to this subdivision unless the terms of the mortgage loan shall provide for amortization payments to be made by the borrower on the principal thereof at least once in each year in amounts sufficient to completely amortize the loan within four-fifths of the term of the leasehold which is unexpired at the time the loan is made, but in no event exceeding thirty years. Real estate or a leasehold shall not be deemed to be encumbered by reason of the existence in relation thereto of:

- (a) Liens inferior to the lien securing the loan made by the life insurance company;
  - (b) Taxes or assessment liens not delinquent;
  - (c) Instruments creating or reserving mineral, oil or timber rights, rights-of-way, common or joint driveways, easements for sewers, walls or utilities;
  - (d) Building restrictions and other restrictive covenants; or
  - (e) An unassigned lease reserving rents or profits to the owner;
  - (10) Shares of stock, bonds, notes or other evidences of indebtedness issued, assumed or guaranteed by an urban redevelopment corporation organized [under] **pursuant to** the provisions of chapter 353, RSMo, known as "The Urban Redevelopment Corporations Law", or any amendments thereto, or any law enacted in lieu thereof; provided, that one or more such life insurance companies may, with the approval of the director of the department of insurance, subscribe to and own all
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of the shares of stock of any such urban redevelopment corporation; and provided further, that the aggregate investment by any such company [under] **pursuant to** the terms of this subdivision shall not be in excess of five percent of the admitted assets of such company;

(11) Land situated in this state and located within an area subject to redevelopment within the meaning of the urban redevelopment corporations law, or any amendments thereto, or any law enacted in lieu thereof, which land is acquired for the purposes specified in such urban redevelopment corporations law, and any such life insurance company may erect apartments, tenements or other dwelling houses, not including hotels, but including accommodations for retail stores, shops, offices and other community services reasonably incident to such projects, and such company may thereafter own, hold, rent, lease, collect or receive income, maintain and manage such land so acquired and the improvements thereon, as real estate necessary and proper for the carrying on of its legitimate business; provided, that any such life insurance company shall have power to own, hold, maintain and manage such land, and all improvements thereon, in accordance with the urban redevelopment corporations law, amendments thereto or any law enacted in lieu thereof, and shall have all the powers, duties, obligations, privileges and immunities, including any tax exemption, credits or relief, granted an urban redevelopment corporation, [under] **pursuant to** the urban redevelopment corporations law, amendments thereto or any law enacted in lieu thereof, the same as if such insurance company were an urban redevelopment corporation organized [under] **pursuant to** the provisions of that law; provided, that two or more such life insurance companies may, with the approval of the director of the department of insurance, enter into agreements whereby the ownership and management and control of a redevelopment project is participated in by each such company; and provided further that the aggregate investment by any such company [under] **pursuant to** the terms of this subdivision shall not be in excess of five percent of the admitted assets of such company;

(12) Investments in property and processes for the development and production of solar or geothermal energy, fossil or synthetic fuels, or gasohol, whether made directly or as a participant in a general partnership, limited partnership or joint venture.

2. No such life insurance company shall invest in any of the foregoing securities in excess of the following percentages of the admitted assets of such company, as shown by its last annual statement preceding the date of acquisition, as filed with the director of the insurance department of the state of Missouri:

(1) Ten percent of its admitted assets in the securities issued by any one corporation or governmental unit falling [under] **pursuant to** the classification set forth in subdivisions (3), (5), (6), (7) and (8) of subsection 1;

(2) One percent of its admitted assets or ten percent of its capital and surplus, whichever is greater, in any single loan on real estate [under] **pursuant to** subdivision (9) of subsection 1;

(3) Ten percent of the admitted assets in the total amount of securities described in subdivision (7) of subsection 1, and no such life insurance company shall own securities described in subdivision (7) of subsection 1 of any one

corporation which, in the aggregate, represents more than five percent of the total of all outstanding shares of stock of that corporation;

(4) One percent of its admitted assets in the bonds, notes or other evidences of indebtedness of the Dominion of Canada and mentioned in subdivision (1) of subsection 1; provided, however, that in addition thereto any such life insurance company which has outstanding insurance contracts on lives of persons residing in the Dominion of Canada may invest in bonds, notes or other evidences of indebtedness of the Dominion of Canada and mentioned in subdivision (1) of subsection 1, to an amount not in excess of the total amount of its reserves and other accrued liabilities under such contracts;

(5) Five percent of its admitted assets in the notes or trust certificates secured by any equipment leased or sold to a corporation falling under the classification set forth in subdivision (5) of subsection 1 or to a common carrier domiciled in the Dominion of Canada and mentioned in subdivision (6) of subsection 1;

(6) Three percent of its admitted assets in loans evidenced by notes or other evidences of indebtedness and secured by liens on unencumbered leaseholds having at least twenty-five years of unexpired term and mentioned in subdivision (9) of subsection 1;

(7) One percent of its admitted assets, or five percent of that portion of its admitted assets in excess of two hundred fifty million dollars, whichever is greater, in energy related investments specified in subdivision (12) of subsection 1.

3. The term "corporation", as used in subdivisions (5) and (7) of subsection 1, shall include private corporations, joint stock associations or business trusts. In applying the earnings tests, provided herein, to any issuing, assuming or guaranteeing corporation, whether or not in legal existence during the whole of the test period, and if such corporation has during the test period acquired the assets of any other corporation or corporations by purchase, merger, consolidation or otherwise, or has been reorganized pursuant to the bankruptcy law, the earnings available for interest and dividends of such other predecessor or constituent corporation or the corporation so reorganized shall be considered as the earnings of the issuing, assuming or guaranteeing corporation.

4. Nothing contained in this section shall be construed as repealing or affecting the provisions of sections 375.330, 375.340, and 375.355, RSMo.

**376.676. REGULATION OF THE VALUATION OF LIFE INSURANCE POLICIES — MAY ADOPT NAIC MODEL REGULATION. — The department of insurance shall promulgate regulations governing the valuation of life insurance policies. The department of insurance may adopt the "Valuation of Life Insurance Policies Model Regulation" adopted by the National Association of Insurance Commissioners.**

Approved June 27, 2000



**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Authorizes the issuance of \$2 billion in bonds to finance road and bridge construction.**

AN ACT to repeal sections 142.345, 226.133 and 226.134, RSMo 1994, and section 226.200, RSMo Supp. 1999, relating to bonding for transportation, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause for a certain section.

SECTION

A. Enacting clause.

142.345. Motor fuel tax fund created — disbursement, transfer.

226.132. Department of transportation to create transportation plan for the state, information required — submission deadline.

226.134. Projects funded by bonds to conform with priorities of 1992 plan, exception.

226.200. State highways and transportation department fund — sources of revenue — expenditures.

226.781. "Rosa Parks Highway", portion of interstate highway 55 in St. Louis County designated as.

226.783. "Payne Stewart Highway, portion of interstate highway 44 in Springfield (Greene County), designated as.

B. Enacting clause.

226.133. Funding authorized for highway and bridge repairs and construction, transportation plans approved by the general assembly, bonds may be issued, requirements, procedure.

C. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Sections 142.345 and 226.134, RSMo 1994, and section 226.200, RSMo Supp. 1999, are repealed and six new sections enacted in lieu thereof, to be known as sections 142.345, 226.132, 226.134, 226.200, 226.781 and 226.783, to read as follows:

**142.345. MOTOR FUEL TAX FUND CREATED — DISBURSEMENT, TRANSFER.**

— 1. There is created the "Motor Fuel Tax Fund". All revenues derived from the motor fuel tax imposed upon highway users as an incident to their use of the highways of the state shall be deposited in the state treasury to the credit of this fund.

2. The moneys deposited to the credit of the motor fuel tax fund shall be disbursed or transferred as follows:

(1) The amount of the tax collected with respect to fuel not used for propelling motor vehicles on state highways shall be transferred to the state highways and transportation department fund to be refunded by the state as provided by law;

(2) The amount of actual costs of collection, apportionment and of making refunds shall be transferred to the state highways and transportation department fund for reimbursement by appropriation, to the agencies or departments of government incurring these costs, **subject to the limitations of section 226.200, RSMo;**

(3) A percentage of the net proceeds shall be transferred to the county aid road trust fund as provided in article IV, section 30(a) of the state constitution;

(4) A percentage of the net proceeds shall be allocated to the several cities, towns and villages entitled thereto [under] **pursuant to** the provisions of article IV, section 30(a) of the state constitution;

(5) All the remaining net proceeds in excess of the allocations to counties and cities, towns and villages shall be transferred to the state highways and transportation department fund.

**226.132. DEPARTMENT OF TRANSPORTATION TO CREATE TRANSPORTATION PLAN FOR THE STATE, INFORMATION REQUIRED — SUBMISSION DEADLINE. —**

**The general assembly recognizes that nothing in section 142.345, RSMo, and sections 226.133, 226.134 and 226.200 fully addresses the total transportation infrastructure needs of the state. In order for the state to exploit all of its transportation assets, the department of transportation shall create a multimodal, total transportation plan based solely upon the real needs of the state. The department of transportation shall objectively evaluate the actual multimodal needs, including aviation, highways, bridges, rail, transit and water ports, of the state based upon criteria that will enhance the state's transportation infrastructure and economic development well-being and shall submit its total transportation plan to the joint committee on transportation oversight, the president pro tem of the senate and the speaker of the house of representatives by January 2, 2001.**

**226.134. PROJECTS FUNDED BY BONDS TO CONFORM WITH PRIORITIES OF 1992 PLAN, EXCEPTION. —** All projects funded by bonds authorized in section 226.133[, except for the initial twenty-five million dollars authorized in section 226.133,] shall be funded in conformity with the priorities established in the [fifteen-year] **1992** plan developed by the transportation department.

**226.200. STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT FUND — SOURCES OF REVENUE — EXPENDITURES. —** 1. There is hereby created a "State Highways and Transportation Department Fund" into which shall be paid or transferred all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor vehicles and trailers, and all property taxes), and all other revenue received or held for expenditure by or under the department of transportation or the state highways and transportation commission, except:

- (1) Money arising from the sale of bonds;
  - (2) Money received from the United States government; or
  - (3) Money received for some particular use or uses other than for the payment of principal and interest on outstanding state road bonds.
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2. Subject to the limitations of [subsections] **subsection 3**[, 4 and 5] of this section, from said fund shall be paid or credited the cost:

- (1) Of collection of all said state revenue derived from highway users as an incident to their use or right to use the highways of the state;
- (2) Of maintaining the state highways and transportation commission;
- (3) Of maintaining the state transportation department;
- (4) Of any workers' compensation for state transportation department employees;
- (5) Of the share of the transportation department in any retirement program for state employees, only as may be provided by law; and
- (6) Of administering and enforcing any state motor vehicle laws or traffic regulations.

[3. For fiscal years prior to fiscal year 1993, the state highways and transportation department fund shall be reimbursed annually in an amount equal to the difference between the expenses incurred by state offices and departments for the purposes specified in sections 30(a) and 30(b) of article IV of the constitution and the total amount appropriated from the state highways and transportation department fund for fiscal year 1987 to such state offices and departments.

4. For fiscal year 1993, the state highways and transportation department fund shall be reimbursed on or before July 1, 1994, in an amount equal to the difference between the expenses incurred by state offices and departments during fiscal year 1993 for the purposes specified in sections 30(a) and 30(b) of article IV of the constitution and the total amount appropriated from the state highways and transportation department fund for fiscal year 1987 to such state offices and departments as adjusted under this subsection. For the purposes of calculating any reimbursement for fiscal year 1993, the total amount appropriated to such state offices and departments during fiscal year 1987 shall be increased or decreased by the percentage by which the total state revenues paid or transferred into the fund under subsection 1 of this section during fiscal year 1993 differs from the total state revenues paid or transferred into the fund during fiscal year 1992.

5. For fiscal year 1994 and for each fiscal year thereafter, the state highways and transportation department fund shall be reimbursed on or before the first day of the second succeeding fiscal year in an amount equal to the difference between the expenses incurred by state offices and departments during such fiscal year for the purposes specified in sections 30(a) and 30(b) of article IV of the constitution and the total amount appropriated from the state highways and transportation department fund for the preceding fiscal year to such state offices and departments as adjusted under this subsection. For the purposes of calculating any reimbursement under this subsection, the total amount appropriated to such state offices and departments during the previous fiscal year shall be increased or decreased by the percentage by which the total state revenues paid or transferred into the fund under subsection 1 of this section during such fiscal year exceeds the total state revenues paid or transferred into the fund during the preceding fiscal year.]

**3. For all future fiscal years, the total amount of appropriations from the state highways and transportation department fund for all state offices and**

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**departments shall not exceed the total amount appropriated for such offices and departments from said fund for fiscal year 2001.**

[6.] 4. The provisions of [subsections] **subsection 3**[, 4 and 5] of this section shall not apply to appropriations from the **state highways and transportation department** fund to the highways and transportation commission and the state transportation department or to appropriations to the **office of administration for department of transportation employee fringe benefits and OASDHI payments, or to appropriations to the** department of revenue for motor vehicle fuel tax refunds under chapter 142, RSMo, or to appropriations to the department of revenue for refunds or overpayments or erroneous payments from the state highways and transportation department fund.

[7.] 5. All interest earned upon the state highways and transportation department fund shall be deposited in and to the credit of such fund [and shall be included in the calculation of total state revenues under subsections 4 and 5 of this section].

[8.] 6. Any balance remaining in said fund after payment of said costs shall be transferred to the state road [bond and interest sinking] fund.

[9.] 7. Notwithstanding the provisions of subsection 2 of this section to the contrary, any funds raised as a result of increased taxation pursuant to sections 142.025 and 142.372, RSMo, after April 1, 1992, shall not be used for administrative purposes or administrative expenses of the transportation department.

**226.781. "ROSA PARKS HIGHWAY", PORTION OF INTERSTATE HIGHWAY 55 IN ST. LOUIS COUNTY DESIGNATED AS. — The portion of interstate highway 55, one mile south of Lindbergh Boulevard to Butler Hill Road, contained within a county of the first classification with a charter form of government having a population over nine hundred thousand shall be designated the "Rosa Parks Highway".**

**226.783. "PAYNE STEWART HIGHWAY", PORTION OF INTERSTATE HIGHWAY 44 IN SPRINGFIELD (GREENE COUNTY) DESIGNATED AS. — The portion of interstate highway 44, from the highway 65 exit on the east side of a city having a population of at least one hundred forty-nine thousand which is located in a noncharter county of the first classification with a population of at least two hundred seven thousand to the highway 160 exit on the west side of a city having a population of at least one hundred forty-nine thousand which is located in a noncharter county of the first classification with a population of at least two hundred seven thousand shall be designated the "Payne Stewart Highway".**

**SECTION B. ENACTING CLAUSE.**— Section 226.133, RSMo 1994, is repealed and one section enacted in lieu thereof to be known as section 226.133, to read as follows:

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**226.133. FUNDING AUTHORIZED FOR HIGHWAY AND BRIDGE REPAIRS AND CONSTRUCTION, TRANSPORTATION PLANS APPROVED BY THE GENERAL ASSEMBLY, BONDS MAY BE ISSUED, REQUIREMENTS, PROCEDURE. — 1.**

[The highways and transportation commission may, within the limits set by the general assembly, authorize the contracting of an indebtedness and the issuance of bonds or other evidences of indebtedness for the purpose of providing funds for use in highway and bridge construction and repairs in this state. The general assembly shall by concurrent resolution specify the total amount of the bonds which may be issued on each separate issuance of bonds pursuant to this section, except that the highways and transportation commission may immediately authorize issuance of bonds up to twenty-five million dollars for the purpose of providing funds for use in highway and bridge construction and repairs caused by the 1993 flood. The bonds shall be issued by the highways and transportation commission from time to time and in such amounts as may be necessary to carry out highway and bridge construction and repairs in this state as determined necessary by the highways and transportation commission.] **The general assembly may authorize the highways and transportation commission to issue bonds or other evidence of indebtedness in an amount not to exceed two billion dollars from fiscal year 2001 to fiscal year 2006; except that, the highways and transportation commission may immediately authorize issue of bonds up to two hundred fifty million dollars for the purpose of providing funds for use in highway construction and repairs scheduled in the five-year plan. The principal amount of such bonds shall not exceed five hundred million dollars in any one fiscal year. Proceeds from the issuance of the bonds shall be provided to the department of transportation to pay for the cost of construction engineering and construction. The proceeds from the bonds shall not be used to pay for administrative expenses, including but not limited to planning and design expenses. Contracted final design shall not be considered an administrative expense, but shall not exceed seven percent of any project.**

**2. To obtain authorization for the issuance of bonds, the highways and transportation commission shall annually present to the general assembly, by the tenth legislative day, a proposed plan and an analysis demonstrating the feasibility and appropriateness thereof. The plan to issue bonds shall become effective no later than forty-five calendar days after the plan proposed by the highways and transportation commission is submitted to a regular session of the general assembly, unless it is disapproved within forty-five calendar days of its submission to a regular session by a concurrent resolution introduced within fourteen calendar days of the submission of the plan to a regular session of the general assembly and adopted by a majority vote of the elected members of each house. If no concurrent resolution disapproving of the highway plan is introduced within fourteen calendar days of the submission of the plan to the legislature, then the plan shall become effective immediately. The presiding officer of each house in which a concurrent resolution disapproving of a plan to issue bonds has been introduced, unless the resolution has been previously accepted or rejected by that house, shall submit it to a vote of the membership not sooner than seven calendar days or later**

than fourteen calendar days after introduction of the concurrent resolution pertaining to the department of transportation plan. The presiding officer of the house passing a concurrent resolution disapproving of a plan to issue bonds shall immediately forward the bill to the other house and the presiding officer of that house shall submit it to a vote of the membership not sooner than seven calendar days or later than fourteen calendar days of its receipt from the other legislative body. The plan submitted by the highways and transportation commission shall not be subject to amendment by either chamber and may only be rejected in its entirety.

3. The highways and transportation commission shall offer such bonds at public sale[, and shall provide such method as it may deem necessary for the advertisement of the sale of each issue of bonds before such bonds are sold] **or negotiated sale.** The bonds shall be [retired serially and by installments within] **for a period [not to exceed twenty-five] of not less than ten years and not more than twenty** years from their date of issue and shall bear interest at a rate or rates not exceeding the rate permitted by law.

[2.] **4.** The proceeds of the sale or sales of any bonds issued pursuant to this section shall be paid into the state road fund **to be expended for the purpose specified** pursuant to the provisions of section 226.220.

[3.] **5.** Bonds issued pursuant to this section shall be state road bonds as such term is used in section 30(b) of article IV of the state constitution, and as such, principal and interest payments on such bonds shall be made from the state road fund as provided in section 30(b) of article IV of the state constitution. Bonds issued pursuant to this section shall not be deemed to constitute a debt or liability of the state or a pledge of the full faith and credit of the state, and the principal and interest on such bonds shall be payable solely from the state road fund. Bonds issued [under] **pursuant to** this section, the interest thereon, or any proceeds from such bonds, shall be exempt from taxation in the state of Missouri for all purposes except for the state estate tax.

[4. No bonds shall be issued under this section unless both of the following conditions are met: (1) prior to the sale of such bonds, the issuer of such bonds shall adopt a marketing plan which provides for the broad distribution of such bonds to investors resident throughout the state of Missouri and (2) the underwriter or underwriters of such bonds agree in writing with the issuer thereof to make a broad distribution of such bonds to investors resident throughout the state of Missouri and to give first priority to all orders for such bonds which are specified for purchase by investors resident within the state of Missouri.]

**6. Bonds may be issued for the purpose of refunding, either at maturity or in advance of maturity, any bonds issued under this section. The proceeds of such refunding bonds may either be applied to the payment of the bonds being refunded or deposited in trust and maintained in cash or investments for the retirement of the bonds being refunded, as shall be specified by the highways and transportation commission and the authorizing resolution or trust indenture securing such refunding bonds. The authorizing resolution or trust indenture securing the refunding bonds shall specify the amount and other terms of the refunding bonds and may provide that the refunding bonds**

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shall have the same security for their payment as provided for the bonds being refunded. The refunding bonds shall be for a period of not less than ten years and not more than twenty years from their date of issue and shall bear interest at a rate or rates not exceeding the rate permitted by law. The principal amount of refunding bonds issued pursuant to this section shall not be counted toward the limit on the principal amount of bonds permitted under this section.

**SECTION C. EMERGENCY CLAUSE.**— Because immediate action is necessary in order to obtain financing for projects contained in the five-year plan and scheduled to begin in fiscal year 2001, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval.

Approved May 30, 2000

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## HB 1797 [SS HS HCS HB 1797]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Motor Vehicle Financial Responsibility.**

AN ACT to repeal section 302.160, 303.044, RSMo 1994, sections 32.055, 32.090, 32.091, 302.178, 302.302, 303.025, 303.026, 303.041, 303.042, 303.406, 303.409, 303.412 and 303.415, RSMo Supp. 1999, sections 32.080 and 301.025, as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, section 32.080, as enacted by senate committee substitute for house bill no. 795, ninetieth general assembly, first regular session, and section 301.025, as enacted by conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session, relating to motor vehicles, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with penalty provisions, an effective date for certain sections and an expiration date for certain sections.

#### **SECTION**

A. Enacting clause.

32.055. Sale of motor vehicle registration lists and personal information prohibited, may be disclosed to whom.

32.080. Reproduction of drivers' licenses, tax reports, returns and related documents by department — destruction of originals permitted when — electronic filings, issuances or renewals

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- authorized — confidentiality — admissibility — period of preservation of reproduced records — electronic filing authorized admissible in evidence, procedure.
- 32.080. Reproduction of drivers' licenses, tax reports, returns and related documents by department — destruction of originals permitted when — electronic filings, issuances or renewals authorized — confidentiality — admissibility — period of preservation of reproduced records — electronic filing authorized admissible in evidence, procedure.
- 32.090. Department to keep copies of records — records to be made available to public, when — disclosure of personal information, when.
- 32.091. Definitions — disclosure of individual motor vehicle records, when — certain disclosures prohibited without express consent — disclosure pursuant to United States law — disclosure for purposes of public safety.
- 32.300. Department to implement Internet motor vehicle license renewal system for certain counties and filing and payment system for state taxes for all taxpayers, deadlines.
- 301.025. Personal property taxes and federal heavy vehicle use tax to be paid before issuance of license — tax receipt forms — suspension of vehicle registration for failure to pay personal property tax, notification requirements, reinstatement fee, appeals — rulemaking, procedure.
- 301.025. Personal property taxes and federal heavy vehicle use tax to be paid before issuance of license — tax receipt forms — suspension of vehicle registration for failure to pay personal property tax, notification requirements, reinstatement fee, appeals — rulemaking, procedure.
- 301.474. Bronze star military service award, special license plates — application procedure, fees — no additional personalization fee — design.
- 301.475. Combat medic badge, special license plates — application procedure, fees — no additional personalization fee — design.
- 301.476. Desert Storm and Desert Shield, special license plates for Gulf War veterans — application procedure, fees — no additional personalization fee — design.
- 301.3031. Director to notify military special license plate applicants of opportunity to donate to World War II memorial trust fund — use of fund proceeds, creation of fund.
- 301.3041. Wilson's Creek National Battlefield Foundation special license plates — emblem authorization — application procedure, fees, design.
- 301.3051. Shrine temple, special license plates — emblem authorization, application procedure, fees, design.
- 301.3053. Distinguished Flying Cross military service award, special license plates — application procedure, fees — no additional personalization fee — design.
- 301.3055. Missouri Remembers, special license plates commemorating prisoners of war and persons missing in action — application procedure, fees — no additional personalization fee — design.
- 301.3062. American Legion, special license plates — emblem authorization, application procedure, fees, design.
- 302.160. Assessment of points and suspension or revocation of license, notice of conviction outside Missouri.
- 302.178. Intermediate driver's license, issued to whom, requirements, limitations, fee, duration, point assessment — penalty, application for full driving privileges, requirements — exceptions — rulemaking authority, procedure.
- 302.302. Point system — assessment for violation — assessment of points stayed, when, procedure.
- 303.025. Duty to maintain financial responsibility, misdemeanor penalty for failure to maintain — exception, methods — court to notify revenue, additional punishment, right of appeal.
- 303.026. Director to notify owners who register vehicles, contents — affidavit certifying financial responsibility required for registration — director may use sampling techniques to verify — verification by owner, time — insurers required to submit policy information to director, format, use, disclosure — violations by insurer, penalty.
- 303.041. Failure to maintain financial responsibility — notice, procedure, contents — suspension of license and registration — request for hearing, right, effect — subsequent acquisition of financial responsibility, effect — duration of suspension, fee.
- 303.042. Suspension, effective when — length of suspension, factors considered — false submission of proof of insurance, suspension, duration, fee.
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- 303.044. Proof of financial responsibility required for reregistration.
- 303.406. Database and fund created, purpose, administration — disclosure, when, violations, penalties — review and report to general assembly — expiration of subsection, when.
- 303.409. Failure to maintain financial responsibility, notice, right to hearing — suspension, duration, factors, extension for failure to file proof of insurance, maintenance of proof — exception for inoperable or stored motor vehicles.
- 303.412. Reporting by insurance companies, frequency, required information — revenue to notify department of insurance of violation, penalty, exceptions.
- 303.415. Effective and expiration dates.
- 390.128. Division of motor carrier and railroad safety required to promulgate rules for electronic filing of certificates of insurance by insurance companies — confirmation of coverage and acceptance of proof of nonresident insurance may be provided.
  - B. Effective date.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 302.160, 303.044, RSMo 1994, sections 32.055, 32.090, 32.091, 302.178, 302.302, 303.025, 303.026, 303.041, 303.042, 303.406, 303.409, 303.412 and 303.415, RSMo Supp. 1999, sections 32.080 and 301.025, as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, section 32.080, as enacted by senate committee substitute for house bill no. 795, ninetieth general assembly, first regular session, and section 301.025, as enacted by conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 32.055, 32.080, 32.090, 32.091, 32.300, 301.025, 301.474, 301.475, 301.476, 301.3031, 301.3041, 301.3051, 301.3053, 301.3055, 301.3062, 302.160, 302.178, 302.302, 303.025, 303.026, 303.041, 303.042, 303.044, 303.406, 303.409, 303.412, 303.415 and 390.128, to read as follows:

**32.055. SALE OF MOTOR VEHICLE REGISTRATION LISTS AND PERSONAL INFORMATION PROHIBITED, MAY BE DISCLOSED TO WHOM.** — Subject to the provisions of sections 32.090 and 32.091, the director of revenue [may] **shall not** sell lists of motor vehicle registrations or **other personal information held by the department of revenue for the purposes of bulk distribution for surveys, marketing and solicitations. Individual motor vehicle registration records and other personal information held by the department of revenue may be disclosed** to any **person or** organization organized under an act of the Congress of the United States in accordance with the fee limitations as provided in section 610.026, RSMo.

**[32.080. REPRODUCTION OF DRIVERS' LICENSES, TAX REPORTS, RETURNS AND RELATED DOCUMENTS BY DEPARTMENT — DESTRUCTION OF ORIGINALS PERMITTED WHEN — ELECTRONIC FILINGS, ISSUANCES OR RENEWALS AUTHORIZED — CONFIDENTIALITY — ADMISSIBILITY — PERIOD OF PRESERVATION OF REPRODUCED RECORDS — ELECTRONIC FILING AUTHORIZED ADMISSIBLE IN EVIDENCE, PROCEDURE.** — 1. Notwithstanding other provisions of

law, the director of revenue may destroy motor vehicle, driver's license, or tax reports, returns and other related documents at any time if such reports, returns, and other related documents have been photographed, microphotographed, electronically generated, electronically recorded, photostated, reproduced on film or other process capable of producing a clear, accurate and permanent copy of the original. Such film or reproducing material shall be of durable material and the device used to reproduce the records, reports, returns, and other related documents on film or material shall be such as to accurately reproduce and perpetuate the original records, reports, returns and other documents in all details.

2. The reproductions so made may be used as permanent records of the original. When microfilm or a similar reproduction is used as a permanent record by the director of revenue, one copy shall be stored in a fireproof vault and other copies may be made for use by any person entitled thereto. All reproductions shall retain the same confidentiality as is provided in the law regarding the original record.

3. Such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A transcript, exemplification or certified copy of any motor vehicle, driver's license or tax reports, records, returns and other related documents made from such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall, for all purposes be deemed to be a transcript, exemplification or certified copy of the original and shall be admissible in evidence in all courts or administrative agencies. No document shall be admissible pursuant to this section unless the offeror shall comply with section 490.692, RSMo.

4. Reproductions made of motor vehicle, driver's license, or tax reports, returns and related documents hereunder shall be preserved for four years and thereafter until the director of revenue orders them to be destroyed.

5. Notwithstanding other provisions of law, the department of revenue may allow the electronic filing of any motor vehicle, driver's license, or tax records, reports, returns and other related documents. A transcript, exemplification or certified copy of any electronically filed motor vehicle, driver's license or tax reports, records, returns and other related document upon certification of the director of revenue shall be admissible in evidence in all courts or administrative agencies without further proof. "Records, reports, returns, and other related documents" include, but are not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, deposited or filed with the department of revenue.

6. Any clear, accurate and nontransient output of a record of ownership, lien or satisfaction of a lien maintained electronically by the director of revenue as permitted in sections 301.600 to 301.640, RSMo, shall be deemed to be an original record for all purposes and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification, or certified copy of the original.

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7. Notwithstanding other provisions of law, the department of revenue may determine alternative methods for the signing, subscribing or verifying of a record, report, return, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, return, or related document.]

**32.080. REPRODUCTION OF DRIVERS' LICENSES, TAX REPORTS, RETURNS AND RELATED DOCUMENTS BY DEPARTMENT — DESTRUCTION OF ORIGINALS PERMITTED WHEN — ELECTRONIC FILINGS, ISSUANCES OR RENEWALS AUTHORIZED — CONFIDENTIALITY — ADMISSIBILITY — PERIOD OF PRESERVATION OF REPRODUCED RECORDS — ELECTRONIC FILING AUTHORIZED ADMISSIBLE IN EVIDENCE, PROCEDURE.**— 1. Notwithstanding other provisions of

law, the director of revenue may destroy motor vehicle, driver's license, or tax reports, returns and other related documents at any time if such reports, returns, and other related documents have been photographed, microphotographed, electronically generated, electronically recorded, photostated, reproduced on film or other process capable of producing a clear, accurate and permanent copy of the original. Such film or reproducing material shall be of durable material and the device used to reproduce the records, reports, returns, and other related documents on film or material shall be such as to accurately reproduce and perpetuate the original records, reports, returns and other documents in all details.

2. The reproductions so made may be used as permanent records of the original. When microfilm or a similar reproduction is used as a permanent record by the director of revenue, one copy shall be stored in a fireproof vault and other copies may be made for use by any person entitled thereto. All reproductions shall retain the same confidentiality as is provided in the law regarding the original record.

3. Such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A transcript, exemplification or certified copy of any motor vehicle, driver's license or tax reports, records, returns and other related documents made from such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall, for all purposes be deemed to be a transcript, exemplification or certified copy of the original and shall be admissible in evidence in all courts or administrative agencies. No document shall be admissible under this section unless the offeror shall comply with section 490.692, RSMo.

4. Reproductions made of motor vehicle, driver's license, or tax reports, returns and related documents hereunder shall be preserved for four years and thereafter until the director of revenue orders them to be destroyed.

5. Notwithstanding other provisions of law, the department of revenue may allow the electronic filing, **issuance or renewal** of any motor vehicle, driver's license, or tax records, reports, returns and other related documents. **All restrictions imposed by law that apply to the disclosure of information by the department of revenue shall also apply to any persons or entities contracting**

**with the director of the department of revenue to provide electronic filing, issuance or renewal services. Notwithstanding other provisions of law, any online access or access via other electronic means granted to such persons or entities may be limited to the persons or entities providing such electronic filing, issuance or renewal services.**

6. A transcript, exemplification or certified copy of any electronically filed motor vehicle, driver's license or tax reports, records, returns and other related document upon certification of the director of revenue shall be admissible in evidence in all courts or administrative agencies without further proof. "Records, reports, returns, and other related documents" include, but are not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, deposited or filed with the department of revenue.

[6.] 7. Notwithstanding other provisions of law, the department of revenue may determine alternative methods for the signing, subscribing or verifying of a record, report, return, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, return, or related document.

[7.] 8. The director of revenue may renew motor vehicle registrations by electronic means when the information, fees and documents required by chapters 301, 303 and 307, RSMo, to accompany such application are provided to the director electronically in a format prescribed by the director of revenue.

[8.] 9. The director of revenue may prescribe rules and regulations for the effective administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 1, 2000, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid and void.

**32.090. DEPARTMENT TO KEEP COPIES OF RECORDS — RECORDS TO BE MADE AVAILABLE TO PUBLIC, WHEN — DISCLOSURE OF PERSONAL INFORMATION, WHEN.**— 1. The department of revenue shall keep a record of each application or other document filed with it and each certificate or other official document issued by it.

2. Except as otherwise provided by law, all records of the department of revenue are public records and shall be made available to the public according to procedures established by the department.

3. [Except as otherwise provided by law,] Personal information obtained by the department shall **not** be disclosed to any person requesting such personal information [if the individual whose personal information is requested has not

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elected to prohibit the disclosure of such personal information pursuant to] **except as provided in** section 32.091.

**32.091. DEFINITIONS — DISCLOSURE OF INDIVIDUAL MOTOR VEHICLE RECORDS, WHEN — CERTAIN DISCLOSURES PROHIBITED WITHOUT EXPRESS CONSENT — DISCLOSURE PURSUANT TO UNITED STATES LAW — DISCLOSURE FOR PURPOSES OF PUBLIC SAFETY.** — 1. As used in sections 32.090 and 32.091, the following terms mean:

- (1) "Motor vehicle record", any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration or identification card issued by the department of revenue;
- (2) "Person", an individual, organization or entity, but does not include a state or agency thereof;
- (3) "Personal information", information that identifies an individual, including an individual's photograph, Social Security number, driver identification number, name, address, but not the five-digit zip code, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations and driver's status.

2. The department of revenue may disclose individual motor vehicle records pursuant to section 2721(b)(11) of Title 18 of the United States Code and may disclose motor vehicle records in bulk pursuant to section 2721(b)(12) of Title 18 of the United States Code [in the manner prescribed in this section. The department shall provide to all individuals for which such records are maintained a method by which an individual may prohibit personal information in such individual's records from being disclosed pursuant to this section], **as amended by Public Law 106-69, Section 350, only if the department has obtained the express consent of the person to whom such personal information pertains.**

3. [A notice that the personal information may be disclosed pursuant to this section and a notice of an individual's right to prohibit such disclosure shall be printed on all forms for issuance or renewal of motor vehicle titles and registrations prescribed in chapter 301, RSMo, and forms for issuance or renewal of motor vehicle operator's permits, licenses and personal identification cards issued pursuant to chapter 302, RSMo, in a clear and conspicuous manner. In addition, with respect to bulk disclosures, the department shall ensure that the personal information disclosed shall be used, rented or sold solely for bulk distribution for surveys, marketing and solicitations, and that such surveys, marketing and solicitations shall not be directed at individuals who have notified the department in a timely manner that they do not want the personal information contained in motor vehicle records disclosed.] **Notwithstanding any other provisions of law to the contrary, the department of revenue shall not disseminate a person's driver's license photograph, Social Security number and medical or disability information from a motor vehicle record, as defined in section 2726(1) of Title 18 of the United States Code without the express consent of the person to whom such information pertains, except for uses permitted under Sections 2721(b)(1), 2721(b)(4), 2721(b)(6) and 2721(b)(9) of Title 18 of the United States Code.**

4. [Notwithstanding any other provision of law to the contrary,] The department of revenue shall disclose any motor vehicle record or personal information permitted to be disclosed pursuant to Sections 2721(b)(1) to 2721(b)(10) and 2721(b)(13) to 2721(b)(14) of Title 18 of the United States Code **except for the personal information described in subsection 3 of this section.**

5. Pursuant to Section 2721(b)(14) of Title 18 of the United States Code, any person who has a purpose to disseminate to the public a newspaper, book, magazine, broadcast or other similar form of public communication, including dissemination by computer or other electronic means, may request the department to provide individual or bulk motor vehicle records, such dissemination being related to the operation of a motor vehicle or to public safety. Upon receipt of such request, the department shall release the requested motor vehicle records. [It is the public policy of this state that records be open to the public unless otherwise provided by law. The disclosure provisions of this section shall be liberally construed and the exemptions strictly construed to promote this public policy.]

**6. This section is not intended to limit media access to any personal information when such access is provided by agencies or entities in the interest of public safety and is otherwise authorized by law.**

**32.300. DEPARTMENT TO IMPLEMENT INTERNET MOTOR VEHICLE LICENSE RENEWAL SYSTEM FOR CERTAIN COUNTIES AND FILING AND PAYMENT SYSTEM FOR STATE TAXES FOR ALL TAXPAYERS, DEADLINES. — In a county where personal property tax records are accessible via computer, and when proof of motor vehicle liability insurance, safety inspections and emission inspections where required are verifiable by computer, the department of revenue shall design and implement, a motor vehicle license renewal system which may be used through the department's Internet web site connection. The online license renewal system shall be available no later than January 1, 2002. The department of revenue shall also design and implement an online system allowing the filing and payment of Missouri state taxes through the department's Internet web site connection. The online tax filing and payment system shall be available for the payment of Missouri state taxes for tax years beginning on or after January 1, 2002.**

**301.025. PERSONAL PROPERTY TAXES AND FEDERAL HEAVY VEHICLE USE TAX TO BE PAID BEFORE ISSUANCE OF LICENSE — TAX RECEIPT FORMS — SUSPENSION OF VEHICLE REGISTRATION FOR FAILURE TO PAY PERSONAL PROPERTY TAX, NOTIFICATION REQUIREMENTS, REINSTATEMENT FEE, APPEALS — RULEMAKING, PROCEDURE. — 1.** No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due and which reflects that all taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all

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delinquent taxes due have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. In the event the registration is a renewal of a registration made two or three years previously, the application shall be accompanied by proof that taxes were not due or have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due. The county or township collector shall not be required to issue a receipt for the immediately preceding tax year until all personal property taxes, including all delinquent taxes currently due, are paid. **If the applicant was a resident of another county of this state in the applicable preceding years, he or she must submit to the collector in the county or township of residence proof that the personal property tax was paid in the applicable tax years.** Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the

application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms. **If electronic data is not available, residents of counties with a township form of government and with township collectors shall present personal property tax receipts which have been paid for the preceding two years when registering under this section.**

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.

4. Beginning July 1, 2000, a county or township collector may notify, by ordinary mail, any owner of a motor vehicle for which personal property taxes have not been paid that if full payment is not received within thirty days the collector may notify the director of revenue to suspend the motor vehicle registration for such vehicle. Any notification returned to the collector by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration. Thereafter, if the owner fails to timely pay such taxes the collector may notify the director of revenue of such failure. Such notification shall be on forms designed and provided by the department of revenue and shall list the motor vehicle owner's full name, including middle initial, the owner's address, and the year, make, model and vehicle identification number of such motor vehicle. Upon receipt of this notification the director of revenue may provide notice of suspension of motor vehicle registration to the owner at the owner's last address shown on the records of the department of revenue. Any suspension imposed may remain in effect until the department of revenue receives notification from a county or township collector that the personal property taxes have been paid in full. Upon the owner furnishing proof of payment of such taxes and paying a twenty dollar reinstatement fee to the director of revenue the motor vehicle or vehicles

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registration shall be reinstated. In the event a motor vehicle registration is suspended for nonpayment of personal property tax the owner so aggrieved may appeal to the circuit court of the county of his or her residence for review of such suspension at any time within thirty days after notice of motor vehicle registration suspension. Upon such appeal the cause shall be heard de novo in the manner provided by chapter 536, RSMo, for the review of administrative decisions. The circuit court may order the director to reinstate such registration, sustain the suspension of registration by the director or set aside or modify such suspension. Appeals from the judgment of the circuit court may be taken as in civil cases. The prosecuting attorney of the county where such appeal is taken shall appear in behalf of the director, and prosecute or defend, as the case may require.

5. [No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.**

**[301.025. PERSONAL PROPERTY TAXES AND FEDERAL HEAVY VEHICLE USE TAX TO BE PAID BEFORE ISSUANCE OF LICENSE — TAX RECEIPT FORMS — SUSPENSION OF VEHICLE REGISTRATION FOR FAILURE TO PAY PERSONAL PROPERTY TAX, NOTIFICATION REQUIREMENTS, REINSTATEMENT FEE, APPEALS — RULEMAKING, PROCEDURE. — 1.** No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in

more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms.

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the

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United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.]

**301.474. BRONZE STAR MILITARY SERVICE AWARD, SPECIAL LICENSE PLATES — APPLICATION PROCEDURE, FEES — NO ADDITIONAL PERSONALIZATION FEE — DESIGN. — 1. Any person who has been awarded the military service award known as the "bronze star" may apply for bronze star motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.**

**2. Any such person shall make application for the bronze star license plates on a form provided by the director of revenue and furnish such proof as a recipient of the bronze star as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "BRONZE STAR" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the bronze star.**

**3. If the person has been awarded a bronze star with a "V" for valor device on the medal, then the director of revenue shall issue plates bearing the letter "V" in addition to the words and images required by this section. Such letter "V" shall be placed on the plate in a conspicuous manner as determined by the director.**

**4. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of bronze star license plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.**

**301.475. COMBAT MEDIC BADGE, SPECIAL LICENSE PLATES — APPLICATION PROCEDURE, FEES — NO ADDITIONAL PERSONALIZATION FEE — DESIGN. — Any person who has been awarded the combat medic badge may apply for combat medic motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the license plates on a form provided by the director of revenue and furnish such proof as a**

recipient of the combat medic badge as the director may require. Upon presentation of proof of eligibility, the director shall then issue license plates bearing the words "COMBAT MEDIC" in place of the words "SHOW-ME STATE", except that such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive. Such plates shall also bear an image of the combat medic badge. There shall be a fee of fifteen dollars in addition to the regular registration fees charged for plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

**301.476. DESERT STORM AND DESERT SHIELD, SPECIAL LICENSE PLATES FOR GULF WAR VETERANS — APPLICATION PROCEDURE, FEES — NO ADDITIONAL PERSONALIZATION FEE — DESIGN.** — Any person who served in the military operation known as Desert Storm or Desert Shield and either currently serves in any branch of the United States armed forces or was honorably discharged from such service may apply for Desert Storm or Desert Shield motor vehicle license plates, for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the license plates authorized by this section on a form provided by the director of revenue and furnish such proof of service in desert storm or desert shield and status as currently serving in a branch of the armed forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility, payment of a fifteen-dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director, with the words "GULF WAR VETERAN" in place of the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such plates shall also bear an image of the southwest Asia service medal awarded for service in Desert Storm or Desert Shield. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall

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not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

**301.3031. DIRECTOR TO NOTIFY MILITARY SPECIAL LICENSE PLATE APPLICANTS OF OPPORTUNITY TO DONATE TO WORLD WAR II MEMORIAL TRUST FUND — USE OF FUND PROCEEDS, CREATION OF FUND. — 1.** Whenever a vehicle owner pursuant to this chapter makes an application for a military license plate, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of ten dollars to the World War II memorial trust fund established pursuant to this section. The director shall transfer all contributions collected to the state treasurer for credit to and deposit in the trust fund.

2. There is established in the state treasury the "World War II Memorial Trust Fund". The state treasurer shall credit to and deposit in the World War II memorial trust fund all amounts received pursuant to this section, and any other amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for purposes of this section.

3. The Missouri veterans' commission shall administer the trust fund. The trust fund shall be used to participate in the funding of the National World War II Memorial to be located at a site dedicated on November 11, 1995, on the National Mall in Washington, D.C.

4. The state treasurer shall invest moneys in the trust fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of moneys in the trust fund shall be credited to the trust fund. The general assembly may appropriate moneys annually from the trust fund to the department of revenue to offset costs incurred for collecting and transferring contributions pursuant to subsection 1 of this section. The provisions of section 33.080, RSMo, requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the ordinary revenue fund of this state at the end of each biennium shall not apply to the trust fund.

**301.3041. WILSON'S CREEK NATIONAL BATTLEFIELD FOUNDATION SPECIAL LICENSE PLATES — EMBLEM AUTHORIZATION — APPLICATION PROCEDURE, FEES, DESIGN. — 1.** The Wilson's Creek National Battlefield Foundation may authorize the use of its official emblem to be applied on multi-year personalized license plates as provided in this section.

2. Any contribution to the Wilson's Creek National Battlefield Foundation derived from this section, except reasonable administrative costs, shall be used for the purpose of promoting and supporting the objectives of the Wilson's Creek National Battlefield Park. Any vehicle owner may annually apply to the foundation for use of the emblem. Upon annual application and payment of a twenty-five dollar emblem use contribution to the foundation, the foundation shall issue to the vehicle owner, without further charge, an "emblem use authorization statement", which shall be

presented by the vehicle owner to the department of revenue at the time of registration.

3. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the seal, emblem or logo of the foundation, to the vehicle owner. The license plate authorized by this section shall use a process to ensure that the emblem shall be displayed upon the license plate in the clearest and most attractive manner possible. The license plate authorized by this section shall be issued with a design approved by both the foundation and the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design and shall be aesthetically attractive, as prescribed by section 301.130.

4. A vehicle owner who was previously issued a plate with an institutional emblem authorized by this section and who does not provide an emblem use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the emblem, as otherwise provided by law.

**301.3051. SHRINE TEMPLE, SPECIAL LICENSE PLATES — EMBLEM AUTHORIZATION, APPLICATION PROCEDURE, FEES, DESIGN. — 1.** Any member of the Ancient Arabic Order, Nobles of the Mystic Shrine of North America (Shriners) or any person living within the state of Missouri and who has a motor vehicle which complies with the provisions of section 303.025, RSMo, may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Shrine temple to which the person is a member in good standing. The Shrine temple described in this section shall authorize the use of its official emblem to be affixed on multi-year personalized license plates as provided in this section. Any contribution to such Shrine temple derived from this section, except reasonable administrative costs, shall be contributed to the Shriners Hospitals for Crippled and Burned Children. Any member of such Shrine temple may annually apply to the temple for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Shrine temple, the temple shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to the registration fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Shrine, to the vehicle owner.

3. The license plate authorized by this section shall be in a form as prescribed in section 301.129, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be

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clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. A vehicle owner, who was previously issued a plate with the Shrine emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Shrine emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

**301.3053. DISTINGUISHED FLYING CROSS MILITARY SERVICE AWARD, SPECIAL LICENSE PLATES — APPLICATION PROCEDURE, FEES — NO ADDITIONAL PERSONALIZATION FEE — DESIGN. — 1.** Any person who has been awarded the military service award known as the "Distinguished Flying Cross" may apply for Distinguished Flying Cross motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Any such person shall make application for the Distinguished Flying Cross license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Distinguished Flying Cross as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "DISTINGUISHED FLYING CROSS" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the Distinguished Flying Cross.

3. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of Distinguished Flying Cross license plates issued pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144, shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section are issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

**301.3055. MISSOURI REMEMBERS, SPECIAL LICENSE PLATES COMMEMORATING PRISONERS OF WAR AND PERSONS MISSING IN ACTION — APPLICATION PROCEDURE, FEES — NO ADDITIONAL PERSONALIZATION FEE — DESIGN. — 1.** Any person who wishes to pay tribute to those persons who were prisoners of war or those now listed as missing in action may apply for

specialized motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to other registration fees and documents which may be required by law, the director of revenue shall issue a specialized license plate which shall have the words "MISSOURI REMEMBERS" on the license plates in preference to the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such license plate shall also bear the POW/MIA insignia. The license plate authorized by this section shall be made with a fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

**301.3062. AMERICAN LEGION, SPECIAL LICENSE PLATES — EMBLEM AUTHORIZATION, APPLICATION PROCEDURE, FEES, DESIGN. —** 1. Any vehicle owner who is a member of and has obtained an annual emblem-use authorization statement from the American Legion may apply for American Legion license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The American Legion hereby authorize the use of their official emblem to be affixed on multi-year personalized license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the American Legion, the American Legion shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the department of revenue at the time of registration of a motor vehicle.

3. Upon presentation of the annual statement and payment of a fifteen-dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a personalized license plate to the vehicle owner, which shall bear the emblem of the American Legion in a form prescribed by the director. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. A fee for the issuance of personalized license plates issued pursuant to section 301.144, shall not be required for plates issued pursuant to this section.

4. A vehicle owner, who was previously issued a plate with the American Legion emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the American Legion emblem, as otherwise provided by law.

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**5. The director of revenue may promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

**302.160. ASSESSMENT OF POINTS AND SUSPENSION OR REVOCATION OF LICENSE, NOTICE OF CONVICTION OUTSIDE MISSOURI.** — When the director of revenue receives notice of a conviction in another state or from a federal court [of an offense on a federal military installation], which, if committed in this state, would result in the assessment of points, [he] **the director** is authorized to assess the points and suspend or revoke the operating privilege when the accumulated points so require as provided in section 302.304.

**302.178. INTERMEDIATE DRIVER'S LICENSE, ISSUED TO WHOM, REQUIREMENTS, LIMITATIONS, FEE, DURATION, POINT ASSESSMENT — PENALTY, APPLICATION FOR FULL DRIVING PRIVILEGES, REQUIREMENTS — EXCEPTIONS — RULEMAKING AUTHORITY, PROCEDURE.** — 1. Beginning January 1, 2001, any person between the ages of sixteen and eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340, may apply for, and the director shall issue, an intermediate driver's license entitling the applicant, while having such license in his or her possession, to operate a motor vehicle of the appropriate class upon the highways of this state in conjunction with the requirements of this section. An intermediate driver's license shall be readily distinguishable from a license issued to those over the age of eighteen. All applicants for an intermediate driver's license shall:

- (1) Successfully complete the examination required by section 302.173;
  - (2) Pay the fee required by subsection 3 of this section;
  - (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section 302.130 for at least a six-month period or a valid license from another state;
- and**
- (4) Have a parent, grandparent or legal guardian sign the application stating that the applicant has completed at least twenty hours of supervised driving experience under a temporary instruction permit issued pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over twenty-one years of age who supervised such driving. For purposes of this section, the term "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen years of age, who:
    - (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to section 451.080, RSMo;
    - (b) Has been declared emancipated by a court of competent jurisdiction;
    - (c) Enters active duty in the armed forces;
    - (d) Has written consent to the emancipation from the custodial parent or legal guardian; or
    - (e) Through employment or other means provides for such person's own food, shelter and other cost-of-living expenses;

(5) Have had no alcohol-related enforcement contacts as defined in section 302.525 during the preceding twelve months; and

(6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to section 302.302, within the preceding six months.

2. An intermediate driver's license grants the licensee the same privileges to operate that classification of motor vehicle as a license issued pursuant to section 302.177, except that no person shall operate a motor vehicle on the highways of this state under such an intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle without being accompanied if the travel is to or from a school or educational program or activity, a regular place of employment or in emergency situations as defined by the director by regulation. Each intermediate driver's license shall be restricted by requiring that the driver and all passengers in the licensee's vehicle wear safety belts at all times. This safety belts restriction shall not apply to a person operating a motorcycle.

3. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an intermediate driver's license shall be five dollars and such license shall be valid for a period of two years.

4. Any intermediate driver's licensee accumulating six or more points in a twelve-month period may be required to participate in and successfully complete a driver improvement program approved by the director of the department of public safety. The driver improvement program ordered by the director of revenue shall not be used in lieu of point assessment.

5. (1) An intermediate driver's licensee who has, for the preceding twelve-month period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic convictions for which points are assessed, upon reaching the age of eighteen years may apply for and receive without further examination, other than a vision test as prescribed by section 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person shall pay the required fee for such license as prescribed in section 302.177.

**(2) The director of revenue shall deny an application for a full driver's license until the person has had no traffic convictions for which points are assessed for a period of twelve months prior to the date of application for license or until the person is eligible to apply for a six year driver's license as provided for in section 302.177, provided the applicant is otherwise eligible for full driving privileges. An intermediate driver's license shall expire when the licensee is eligible and receives a full driver's license as prescribed in subdivision (1) of this section.**

6. No person upon reaching the age of eighteen years whose intermediate driver's license and driving privilege is denied, suspended, canceled or revoked in this state or any other state, for any reason may apply for a full driver's license until such license or driving privilege is fully reinstated. Any such person whose intermediate driver's license has been revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the revocation from the

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director, pass the complete driver examination, apply for a new license, and pay the proper fee before again operating a motor vehicle upon the highways of this state.

7. A person shall be exempt from the intermediate licensing requirements if the person has reached the age of eighteen years and meets all other licensing requirements.

8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, [1999] **2000**, shall be invalid and void.

**302.302. POINT SYSTEM — ASSESSMENT FOR VIOLATION — ASSESSMENT OF POINTS STAYED, WHEN, PROCEDURE.** — 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

- (1) Any moving violation of a state law or county or municipal **or federal** traffic ordinance **or regulation** not listed in this section, other than a violation of vehicle equipment provisions or a court ordered supervision as provided in section 302.303 ..... 2 points  
(except any violation of municipal stop sign ordinance where no accident is involved ..... 1 point)
- (2) Speeding  
In violation of a state law ..... 3 points  
In violation of a county or municipal ordinance ..... 2 points
- (3) Leaving the scene of an accident in violation of section 577.060, RSMo ..... 12 points  
In violation of any county or municipal ordinance ..... 6 points
- (4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo. .... 4 points  
In violation of a county or municipal ordinance ..... 2 points
- (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

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- (a) For the first conviction . . . . . 2  
points
- (b) For the second conviction . . . . . 4  
points
- (c) For the third conviction . . . . . 6  
points
- (6) Operating with a suspended or revoked license prior to  
restoration of operating privileges. . . . . 12  
points
- (7) Obtaining a license by misrepresentation . . . . . 12  
points
- (8) For the first conviction of driving while in an intoxicated condition  
or under the influence of controlled substances or drugs . . . . . 8  
points
- (9) For the second or subsequent conviction of any of the following  
offenses however combined: driving while in an intoxicated condition,  
driving under the influence of controlled substances or drugs or  
driving with a blood alcohol content of ten-hundredths of one percent  
or more by weight . . . . . 12  
points
- (10) For the first conviction for driving with blood alcohol content ten-  
hundredths of one percent or more by weight  
In violation of state law . . . . . 8  
points  
In violation of a county or municipal ordinance **or federal law or  
regulation** . . . . . 8  
points
- (11) Any felony involving the use of a motor vehicle . . . . . 12  
points
- (12) Knowingly permitting unlicensed operator to operate a motor  
vehicle . . . . . 4  
points
- (13) For a conviction for failure to maintain financial responsibility  
pursuant to county or municipal ordinance or pursuant to section 303.025,  
RSMo . . . . . 4  
points
2. The director shall, as provided in subdivision (5) of subsection 1 of this  
section, assess an operator points for a conviction pursuant to subdivision (1) or (2)  
of subsection 1 of section 302.020, when the director issues such operator a license  
or permit pursuant to the provisions of sections 302.010 to 302.340.
3. An additional two points shall be assessed when personal injury or  
property damage results from any violation listed in subsection 1 of this section and  
if found to be warranted and certified by the reporting court.
4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection  
1 of this section constitutes both a violation of a state law and a violation of a  
county or municipal ordinance, points may be assessed for either violation but not
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for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2), or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of this subsection, the driver improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver improvement program or a motorcycle rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver improvement program or motorcycle rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

**303.025. DUTY TO MAINTAIN FINANCIAL RESPONSIBILITY, MISDEMEANOR PENALTY FOR FAILURE TO MAINTAIN — EXCEPTION, METHODS — COURT TO NOTIFY REVENUE, ADDITIONAL PUNISHMENT, RIGHT OF APPEAL. — 1.** No owner of a motor vehicle registered in this state, or required to be registered in this state, shall operate, register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, unless the owner maintains the financial responsibility which conforms to the requirements of the laws of this state. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle. **However, no owner shall be in violation of this subsection if he or she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation. The director may prescribe rules and regulations for the implementation of this section.**

2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner provided for in section 303.160, or with a motor vehicle liability policy which conforms to the requirements of the laws of this state.

3. Any person who violates this section is guilty of a class C misdemeanor. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of this section at the time the peace officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the citation. In addition to any other authorized punishment, the court shall notify the director of revenue of any person convicted pursuant to this section and shall do one of the following:

(1) Enter an order suspending the driving privilege as of the date of the court order. If the court orders the suspension of the driving privilege, the court shall require the defendant to surrender to it any driver's license then held by such person. The length of the suspension shall be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of revenue the order of suspension of driving privilege and any license surrendered within ten days;

(2) Forward the record of the conviction for an assessment of four points; or

(3) In lieu of an assessment of points, render an order of supervision as provided in section 302.303, RSMo. An order of supervision shall not be used in lieu of points more than one time in any thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this section shall forward a record of conviction or the order of supervision to the department of revenue within ten days. The director shall establish procedures for the record keeping and administration of this section.

4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed as prohibiting the department of insurance from approving or authorizing those exclusions and limitations which are contained in automobile liability insurance policies and the uninsured motorist provisions of automobile liability insurance policies.

5. If a court enters an order of suspension, the offender may appeal such order directly pursuant to chapter 512, RSMo, and the provisions of section 302.311, RSMo, shall not apply.

**303.026. DIRECTOR TO NOTIFY OWNERS WHO REGISTER VEHICLES, CONTENTS — AFFIDAVIT CERTIFYING FINANCIAL RESPONSIBILITY REQUIRED FOR REGISTRATION — DIRECTOR MAY USE SAMPLING TECHNIQUES TO VERIFY — VERIFICATION BY OWNER, TIME — INSURERS REQUIRED TO SUBMIT POLICY INFORMATION TO DIRECTOR, FORMAT, USE, DISCLOSURE — VIOLATIONS BY INSURER, PENALTY.** — 1. The director shall inform each owner who registers a motor vehicle of the following:

(1) The existence of the requirement that every motor vehicle owner in the state must maintain his financial responsibility;

(2) The requirement that every motor vehicle owner show an insurance identification card, or a copy thereof, or other proof of financial responsibility at the time of vehicle registration; this notice shall be given at least thirty days prior to the month for renewal and shall be shown in bold, colored print;

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(3) The penalties which apply to violations of the requirement to maintain financial responsibility;

(4) The benefits of maintaining coverages in excess of those which are required;

(5) The director's authority to conduct samples of Missouri motor vehicle owners to insure compliance.

2. No motor vehicle owner shall be issued registration for a vehicle unless the owner, or his authorized agent, signs an affidavit provided by the director of revenue at the time of registration of the vehicle certifying that such owner has and will maintain, during the period of registration, financial responsibility with respect to each motor vehicle that is owned, licensed or operated on the streets or highways. The affidavit need not be notarized, but it shall be acknowledged by the person processing the form. The affidavit shall state clearly and in bold print the following: "Any false affidavit is a crime under section 575.050 of Missouri law.". In addition, every motor vehicle owner shall show proof of such financial responsibility by presenting his or her insurance identification card, as described in section 303.024, or a copy thereof, or some other proof of financial responsibility in the form prescribed by the director of revenue at the time of registration unless such owner registers his vehicle in conjunction with a reciprocity agreement entered into by the Missouri highway reciprocity commission pursuant to sections 301.271 to 301.279, RSMo, or unless the owner insures the vehicle according to the requirements of the division of motor carrier and railroad safety pursuant to section 390.126, RSMo.

3. To ensure compliance with this chapter, the director may utilize a variety of sampling techniques including but not limited to random samples of registrations subject to this section, uniform traffic tickets, insurance information provided to the director at the time of motor vehicle registration, and persons who during the preceding year have received a disposition of court-ordered supervision or suspension. The director may verify the financial responsibility of any person sampled or reported.

**(1) Beginning January 1, 2001, the director may require such information, as in his or her discretion is necessary to enforce the requirements of subdivision 1 of subsection 1 of this section, to be submitted from the person's insurer or insurance company. When requested by the director of revenue, all licensed insurance companies in this state which sell private passenger (non- commercial) motor vehicle insurance policies shall report information regarding the issuance, non-renewal and cancellation of such policies to the director, excluding policies issued to owners of fleet or rental vehicles or issued on vehicles that are insured pursuant to a commercial line policy. Such information shall be reported electronically in a format as prescribed by the director of the department of revenue by rule except that such rule shall provide for an exemption from electronic reporting for insurers with a statistically insignificant number of policies in force.**

**(2) The director may require the data described in subsection 2 of section 303.412 to be reported by insurance companies and require reporting periods of at least once per month. When required by the director of revenue, each**

insurance company shall provide to the department a record of each policy issued, canceled, terminated or revoked during the period since the previous report. Nothing in this section shall prohibit insurance companies from reporting more frequently than once per month.

(3) The director may use reports described in subdivision (1) of this subsection for sampling purposes as provided in this section.

4. Information provided to the department by an insurance company for use in accordance with this section is the property of the insurer and is not subject to disclosure pursuant to chapter 610, RSMo. Such information may be utilized by the department for enforcement of chapter 303, RSMo, but may not be disclosed except that the department shall disclose whether an individual is maintaining the required insurance coverage upon request of the following individuals and agencies only:

- (1) The individual;
- (2) The parent or legal guardian of an individual if the individual is an unemancipated minor;
- (3) The legal guardian of the individual if the individual is legally incapacitated;
- (4) Any person who has power of attorney from the individual;
- (5) Any person who submits a notarized release from the individual that is dated no more than ninety days before the request is made;
- (6) Any person claiming loss or injury in a motor vehicle accident in which the individual is involved;
- (7) The office of the state auditor, for the purpose of conducting any audit authorized by law.

5. The director, after consultation with the working group as provided for in section 303.406, may adopt any rules and regulations necessary to carry out the provisions of subdivisions (1) through (3) of subsection 3 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

6. Any person or agency who knowingly discloses information received from insurance companies pursuant to this section for any purpose, or to a person, other than those authorized in this section is guilty of a class A misdemeanor. No insurer shall be liable to any person for performing its duties pursuant to this section unless and to the extent the insurer commits a willful and wanton act of omission.

7. The department of revenue shall notify the department of insurance of any insurer who violates any provisions of this section. The department of

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insurance may, against any insurer who knowingly fails to comply with this section, assess an administrative penalty up to five hundred dollars per day of noncompliance. The department of insurance may excuse the administrative penalty if an assessed insurer provides acceptable proof that such insurer's noncompliance was inadvertent, accidental or the result of excusable neglect. The penalty provisions of this section shall become effective six months after the rule issued pursuant to subsections 3 and 5 of this section are published in the code of state regulations.

[4.] 8. To verify that financial responsibility is being maintained, the director shall notify the owner **or operator** of the need to provide, within fifteen days, proof of the existence of the required financial responsibility. The request shall require the owner[,] or [where applicable,] the operator, to state whether or not the motor vehicle was insured on the verification date stated in the director's request. The request may include but not be limited to a statement of the names and addresses of insurers, policy numbers and expiration date of insurance coverage. Failure to provide such information shall result in the suspension of the registration of the owner's motor vehicle, [or] **and** where applicable, the **owner's or the** operator's driving privilege, for failing to meet such requirements, as is provided in this chapter.

**303.041. FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY — NOTICE, PROCEDURE, CONTENTS — SUSPENSION OF LICENSE AND REGISTRATION — REQUEST FOR HEARING, RIGHT, EFFECT — SUBSEQUENT ACQUISITION OF FINANCIAL RESPONSIBILITY, EFFECT — DURATION OF SUSPENSION, FEE.** — 1. If the director determines that as a result of a verification sample or accident report that the owner of a motor vehicle has not maintained financial responsibility, or if the director determines as a result of an order of court supervision that the operator of a motor vehicle has not maintained the financial responsibility as required in this chapter, the director shall thirty-three days after mailing notice, suspend the driving privilege of the **owner or** operator and/or the registration of the vehicle failing to meet such requirement. The notice of suspension shall be mailed to the person at the last known address shown on the department's records. The notice of suspension is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made. If the request for a hearing is received by the department prior to the effective date of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing.

2. Neither the fact that subsequent to the date of verification or conviction, the owner acquired the required liability insurance policy nor the fact that the owner terminated ownership of the motor vehicle, shall have any bearing upon the director's decision to suspend. Until it is terminated, the suspension shall remain in force after the registration is renewed or a new registration is acquired for the motor vehicle. The suspension also shall apply to any motor vehicle to which the owner transfers the registration. Effective January 1, 2000, the department shall not

extend any suspension for failure to pay a delinquent late surrender fee pursuant to this subsection.

**303.042. SUSPENSION, EFFECTIVE WHEN — LENGTH OF SUSPENSION, FACTORS CONSIDERED — FALSE SUBMISSION OF PROOF OF INSURANCE, SUSPENSION, DURATION, FEE.** — 1. The suspension shall become effective thirty days after the subject person is deemed to have received the notice of suspension by [certified] **ordinary** mail as provided in section 303.041.

2. The period of suspension under this section shall be as follows:

(1) If the person's [driving] record shows no prior violation, the director shall terminate the suspension upon payment [by the owner] of a reinstatement fee of twenty dollars and submission of proof of insurance as prescribed **in section 303.026 or some other form of proof of insurance as prescribed** by the director;

(2) If the person's record shows one prior violation within the immediately preceding two years, the director shall terminate the suspension ninety days after its effective date upon payment [by the owner] of a reinstatement fee of two hundred dollars and submission of proof of insurance as prescribed **in section 303.026 or some other form of proof of insurance as prescribed** by the director;

(3) If the person's record shows two or more prior violations, the period of suspension shall terminate one year after its effective date upon payment of a reinstatement fee of four hundred dollars and submission of proof of insurance as prescribed **in section 303.026 or some other form of proof of insurance as prescribed** by the director.

3. In the event that proof of insurance [as prescribed by the director] **required by this section** has not been filed with the department of revenue in accordance with this chapter prior to the end of the period of suspension provided in this section, such period of suspension shall be extended until such proof of insurance as prescribed by the director has been filed. In no event shall filing proof of insurance as prescribed by the director reduce any period of suspension.

4. If the director determines that the proof of insurance submitted by a motor vehicle owner or operator pursuant to this chapter is false, the director shall suspend the owner's vehicle registration and operator's driving privilege. The director shall terminate the suspension one year after the effective date upon payment by the owner or operator of a reinstatement fee of one hundred fifty dollars and submission of proof of insurance as prescribed **in section 303.026 or some other form of proof of insurance as prescribed** by the director.

5. **In all cases involving a suspension as provided in section 303.042, the director shall not require an individual to file a certificate of insurance as provided in section 303.170 or section 303.180 or some other form of high-risk insurance in order to terminate the suspension, excluding cases involving a motor vehicle accident where one or more parties involved in the accident were uninsured.**

**303.044. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED FOR REREGISTRATION.** — After the period of suspension provided in section 303.042 has elapsed, the owner or operator, or both, whose license or registration has been

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suspended must file proof of [financial responsibility] **insurance as prescribed in section 303.026 or some other proof of insurance as prescribed by the director** for a period of three years thereafter with respect to all motor vehicles registered to him. If proof of [financial responsibility] **insurance** is not maintained during the three-year period to the satisfaction of the director, he shall again suspend the license and all registrations until the owner or operator shall thereafter maintain proof of [financial responsibility] **insurance** as set out herein. **In no case shall the director require the person whose license or registration has been suspended pursuant to this section to file a certificate of insurance as prescribed by section 303.170 or section 303.180 or some other form of high-risk insurance, excluding cases involving a motor vehicle accident where one or more parties involved in the accident were uninsured.**

**303.406. DATABASE AND FUND CREATED, PURPOSE, ADMINISTRATION — DISCLOSURE, WHEN, VIOLATIONS, PENALTIES — REVIEW AND REPORT TO GENERAL ASSEMBLY — EXPIRATION OF SUBSECTION, WHEN.—** 1. The "Motorist Insurance Identification Database" is hereby created for the purpose of establishing a database to use to verify compliance with the motor vehicle financial responsibility requirements of this chapter. The program shall be administered by the department **and shall receive funding from the "Motorist Insurance Identification Database Fund", which is hereby created in the state treasury. Effective July 1, 2002, the state treasurer shall credit to and deposit in the motorist insurance identification database fund six percent of the net general revenue portion received from collections of the insurance premiums tax levied and collected pursuant to sections 148.310 to 148.461, RSMo.**

2. To implement the program, the department may by [January 1, 2001] **July 1, 2002**, contract with a designated agent which shall monitor compliance with the motor vehicle financial responsibility requirements of this chapter, except that the program shall not be implemented to notify owners of registered motor vehicles until the department certifies that the accuracy rate of the program exceeds ninety-five percent in correctly identifying owners of registered motor vehicles as having maintained or failed to maintain financial responsibility. After the department has entered into a contract with a designated agent, the department shall convene a working group for the purpose of facilitating the implementation of the program.

3. The designated agent, using its own computer network, shall, no later than [July 1] **December 31, [2001] 2002**, develop, **deliver** and maintain a computer database with information provided by:

(1) Insurers, pursuant to sections 303.400 to 303.415; except that, any person who qualifies as self-insured pursuant to this chapter, or provides proof of insurance to the director pursuant to the provisions of section 303.160, shall not be required to provide information to the designated agent, **but the state shall supply these records to the designated agent for inclusion in the database;** and

(2) The department, which shall provide the designated agent with the name, date of birth and address of all persons in its computer database, and the make, year and vehicle identification number of all registered motor vehicles.

4. The department shall establish guidelines for the designated agent's development of the computer database so the database can be easily accessed by state and local law enforcement agencies within procedures already established, and shall not require additional computer keystrokes or other additional procedures by dispatch or law enforcement personnel. Once the database is operational, the designated agent shall, at least monthly, update the database with information provided by insurers and the department, and compare then-current motor vehicle registrations against the database.

5. Information provided to the designated agent by insurers and the department for inclusion in the database established pursuant to this section is the property of the insurer [of] **or** the department, as the case may be, and is not subject to disclosure pursuant to chapter 610, RSMo. Such information may not be disclosed except as follows:

(1) The designated agent shall verify a person's insurance coverage upon request by any state or local government agency investigating, litigating or enforcing such person's compliance with the motor vehicle financial responsibility requirements of this chapter;

(2) The department shall disclose whether an individual is maintaining the required insurance coverage upon request of the following individuals and agencies only:

- (a) The individual;
- (b) The parent or legal guardian of an individual if the individual is an unemancipated minor;
- (c) The legal guardian of the individual if the individual is legally incapacitated;
- (d) Any person who has power of attorney from the individual;
- (e) Any person who submits a notarized release from the individual that is dated no more than ninety days before the request is made;
- (f) Any person claiming loss or injury in a motor vehicle accident in which the individual is involved;
- (g) The office of the state auditor, for the purpose of conducting any audit authorized by law.

6. Any person or agency who knowingly discloses information from the database for any purpose, or to a person, other than those authorized in this section is guilty of a class A misdemeanor. The state shall not be liable to any person for gathering, managing or using information in the database pursuant to this section. The designated agent shall not be liable to any person for performing its duties pursuant to this section unless and to the extent such agent commits a willful and wanton act or omission **or is negligent**. The designated agent shall be liable to any insurer damaged by the designated agent's negligent failure to protect the confidentiality of the information and data disclosed by the insurer to the designated agent. The designated agent shall provide to this state an errors and omissions insurance policy covering such agent in an appropriate amount. No insurer shall be liable to any person for performing its duties pursuant to this section unless and to the extent the insurer commits a willful and wanton act of omission.

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7. The department shall review the operation and performance of the motorist insurance identification database program to determine whether the number of uninsured motorists have declined during the first three years following implementation and shall submit a report of its findings to the general assembly no later than [December thirty-first] **January fifteenth** of the year following the third complete year of implementation. The department shall make copies of its report available to each member of the general assembly. [This subsection shall expire after the report provided for in this subsection has been made available.]

8. This section shall not supersede other actions or penalties that may be taken or imposed for violation of the motor vehicle financial responsibility requirements of this chapter.

9. The working group as provided for in subsection 2 of this section shall consist of representatives from the insurance industry, department of insurance, department of public safety and the department of revenue. The director of revenue, after consultation with the working group, shall promulgate any rules and regulations necessary to administer and enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

[10. Unless the review conducted by the department and reported to the general assembly as provided in this section indicates a decline in the number of uninsured motorist claims reported, this section is subject to repeal by the general assembly.]

**303.409. FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY, NOTICE, RIGHT TO HEARING — SUSPENSION, DURATION, FACTORS, EXTENSION FOR FAILURE TO FILE PROOF OF INSURANCE, MAINTENANCE OF PROOF — EXCEPTION FOR INOPERABLE OR STORED MOTOR VEHICLES.** — 1. If the motorist insurance identification database indicates the owner of a registered motor vehicle has, regardless of the owner's operation of such motor vehicle, failed to maintain the financial responsibility required in section 303.025 for two consecutive months, the designated agent shall on behalf of the director inform the owner that the director will suspend the owner's vehicle registration if the owner does not present proof of insurance as prescribed by the director within thirty days from the date of mailing. **The designated agent shall not select owners of fleet or rental vehicles or vehicles that are insured pursuant to a commercial line policy for notification to determine motor vehicle liability coverage. The director may prescribe rules and regulations necessary for the implementation of this subsection.** The notice issued to the vehicle owner by the designated agent shall be sent to the last known address shown on the department's records. The notice is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing and the date by which that request for a hearing must be made. The suspension shall become effective thirty days after the subject person is deemed to have received the notice of suspension by [certified] **first class** mail as provided in section 303.041. If the request for a hearing is received prior to the effective date

of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing; however, any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension during the period of delay.

2. Neither the fact that, subsequent to the date of verification, the owner acquired the required liability insurance policy nor the fact that the owner terminated ownership of the motor vehicle shall have any bearing upon the director's decision to suspend. The suspension shall remain in force until termination despite the renewal of registration or acquisition of a new registration for the motor vehicle. The suspension shall also apply to any motor vehicle to which the owner transfers the registration.

3. Upon receipt of notification from the designated agent, the director shall suspend the owner's vehicle registration effective immediately. The suspension period shall be as follows:

(1) If the person's record shows no prior violation, the director shall terminate the suspension upon payment of a reinstatement fee of twenty dollars and submission of proof of insurance, as prescribed by the director;

(2) If the person's record shows one prior violation for failure to maintain financial responsibility within the immediately preceding two years, the director shall terminate the suspension ninety days after its effective date upon payment of a reinstatement fee of two hundred dollars and submission of proof of insurance, as prescribed by the director;

(3) If the person's record shows two or more prior violations for failure to maintain financial responsibility, the period of suspension shall terminate one year after its effective date upon payment of a reinstatement fee of four hundred dollars and submission of proof of insurance, as prescribed by the director.

4. In the event that proof of insurance as prescribed by the director has not been filed with the department of revenue in accordance with this chapter prior to the end of the period of suspension provided in this section, such period of suspension shall be extended until such proof of insurance has been filed. In no event shall filing proof of insurance reduce any period of suspension. If proof of insurance is not maintained during the three-year period following the reinstatement or termination of the suspension, the director shall again suspend the license and motor vehicle registration until proof of insurance is filed or the three-year period has elapsed. In no event shall filing proof of insurance reduce any period of suspension.

**5. Notwithstanding the provisions of subsection 1 of this section, the director shall not suspend the registration or registrations of any owner who establishes to the satisfaction of the director that the owner's motor vehicle was inoperable or being stored and not operated on the date proof of financial responsibility is required by the director.**

**303.412. REPORTING BY INSURANCE COMPANIES, FREQUENCY, REQUIRED INFORMATION — REVENUE TO NOTIFY DEPARTMENT OF INSURANCE OF VIOLATION, PENALTY, EXCEPTIONS. — 1. [By] Beginning March 1, [2001] 2003,**

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**before the seventh working date of each calendar month**, all licensed insurance companies in this state shall provide to the designated agent a record of all policies in effect [on the date the information is provided. Before the seventh working date of each calendar month, each insurer that issues a policy pursuant to this chapter shall provide to the designated agent a record of each policy issued, canceled, terminated, suspended or revoked during the immediately preceding month.] **on the last day of the preceding month.** This subsection shall not prohibit more frequent reporting.

2. The record pursuant to subsection 1 of this section shall include the following:

(1) The name, date of birth, driver's license number and address of each insured [owner and operator];

(2) The make, year and vehicle identification number of each insured motor vehicle;

(3) The policy number[,] **and** effective date [and expiration date] of the policy.

3. The department of revenue shall notify the department of insurance of any insurer who violates any provisions of this act. The department of insurance may, against any insurer who fails to comply with this section, assess a fine not greater than one thousand dollars per day of noncompliance. The department of revenue may assess a fine not greater than one thousand dollars per day against the designated agent for failure to complete the project by the dates designated in sections 303.400 to 303.415 **unless the delay is deemed beyond the control of the designated agent or the designated agent provides acceptable proof that such a noncompliance was inadvertent, accidental or the result of excusable neglect.** The department of insurance shall excuse the fine **against any insurer** if an assessed insurer provides acceptable proof that such insurer's noncompliance was inadvertent, accidental or the result of excusable neglect.

**303.415. EFFECTIVE AND EXPIRATION DATES.** — 1. Sections 303.400 [to 303.415] **and 303.403** shall become effective on [January 1, 2001] **July 1, 2002**, and shall expire on [January 1, 2004] **June 30, 2007**.

2. The enactment **of section 303.025, and the repeal and reenactment of** sections [303.400, 303.403,] 303.406, 303.409, 303.412 and 303.415 shall become effective July 1, [2001] **2002 and sections 303.406, 303.409 and 303.412 shall expire on June 30, 2007.**

**390.128. DIVISION OF MOTOR CARRIER AND RAILROAD SAFETY REQUIRED TO PROMULGATE RULES FOR ELECTRONIC FILING OF CERTIFICATES OF INSURANCE BY INSURANCE COMPANIES — CONFIRMATION OF COVERAGE AND ACCEPTANCE OF PROOF OF NONRESIDENT INSURANCE MAY BE PROVIDED. — 1. To assist motor carriers in certifying their motor vehicle financial responsibility as required pursuant to chapters 390 and 622, RSMo, the division of motor carrier and railroad safety within the state department of economic development shall provide by rule for the electronic filing by insurance companies of certificates of insurance required by section 390.126, RSMo. The division may provide by rule for the confirmation of coverage by**

insurance companies authorized to do business in the state through national clearinghouses or private databases. The division may provide by rule for the acceptance of proof of insurance from insurance companies located outside of the state.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

**SECTION B. EFFECTIVE DATE.**— The repeal and reenactment of sections 303.041, 303.042 and 303.044 shall become effective March 1, 2001.

Approved July 12, 2000

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## HB 1802 [HB 1802]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows mortgage insurance for up to one hundred percent of the market value of the property.**

AN ACT to repeal section 443.415, RSMo Supp. 1999, relating to mortgage insurers, and to enact in lieu thereof one new section relating to the same subject.

### SECTION

A. Enacting clause.

443.415. Mortgage may be insured for certain buyers, amount, requirements.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Section 443.415, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 443.415, to read as follows:

**443.415. MORTGAGE MAY BE INSURED FOR CERTAIN BUYERS, AMOUNT, REQUIREMENTS.**— Mortgage insurers may insure a mortgage in an amount not exceeding [ninety-seven] **one hundred** percent of the fair market value of the

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authorized real estate security at the time that the loan is made if secured by a first lien or charge on such real estate security.

Approved June 27, 2000

## HB 1808 [CCS SS SCS HB 1808]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Pertains to public benefits and compensation.**

AN ACT to repeal sections 70.605, 70.661, 70.680, 70.685, 86.203, 86.207, 86.210, 86.213, 86.217, 86.220, 86.227, 86.237, 86.240, 86.243, 86.247, 86.250, 86.257, 86.263, 86.270, 86.277, 86.288, 86.290, 86.293, 86.297, 86.300, 86.303, 86.307, 86.310, 86.313, 86.317, 86.323, 86.327, 86.330, 86.337, 86.340, 86.343, 86.344, 86.350, 86.353, 86.357, 86.360, 86.364, 86.365, 86.366, 86.403, 86.433, 86.437, 86.442, 86.493, 86.675, 86.730, 86.780, 87.120, 87.176, 87.230, 87.237, 103.085, 104.140, 104.345, 355.561 and 355.596, RSMo 1994, and sections 67.210, 70.655, 70.675, 84.160, 86.200, 86.248, 86.251, 86.252, 86.253, 86.254, 86.255, 86.256, 86.260, 86.267, 86.280, 86.283, 86.287, 86.320, 86.354, 86.440, 86.441, 86.447, 86.483, 86.750, 86.770, 104.010, 104.090, 104.103, 104.335, 104.344, 104.350, 104.372, 104.380, 104.395, 104.420, 104.517, 104.610, 104.1015, 104.1024, 104.1027, 104.1042, 104.1072, 104.1090, 168.021, 169.060, 169.070, 169.075, 169.600, 169.620, 169.663, 169.670, 476.690 and 513.430, RSMo Supp. 1999, relating to certain pension benefits and compensation, and to enact in lieu thereof one hundred fifteen new sections relating to the same subject, with an emergency clause.

#### SECTION

A. Enacting clause.

- 50.1175. Pension benefits and retirement allowances, exempt from attachment, garnishment and other processes — exception, child support and maintenance.
- 56.824. Certain members may elect reduced benefit at age sixty-two.
- 67.210. Political subdivisions may provide health insurance benefits when, to whom.
- 70.605. Missouri local government employees' retirement system created — board of trustees, composition, terms — annual meeting — vacancies, how created — oath — appointment of actuary, attorney and investment counselor — mortality tables to be adopted — record of proceedings — hearings, notice — surety bonds — annual audits — expenses of board — rules and regulations, adoption.
- 70.655. Retirement benefits — program to be selected by governing body — formula for computing benefits — cost-of-living factor — suspension of certain benefits, when.
- 70.661. Member deceased before retirement, surviving spouse or dependent children entitled to benefits, when — determination of eligibility.

- 70.675. Deferred allowance, requirements, option — contribution withdrawal, effect on credited service — death of former member prior to retirement, allowance payable to surviving spouse, when.
  - 70.680. Disability retirement — medical examinations required, when — option.
  - 70.685. Maximum disability benefit, effect of other benefits or remuneration received by retirant.
  - 84.160. Annual salary tables — overtime, how compensated — other employment benefits — unused vacation, compensation for certain officers.
  - 86.200. Definitions.
  - 86.203. Establishment of system — name — effective date.
  - 86.207. Members of system, who are.
  - 86.210. Service creditable.
  - 86.213. Board of trustees to administer — members of board, selection — terms.
  - 86.217. Vacancy on board, how filled — trustees to receive expenses.
  - 86.220. Oath of trustees.
  - 86.227. Jurisdiction of board — decisions subject to judicial review.
  - 86.237. Legal adviser — medical board — appointment of administrator.
  - 86.240. Actuary, duties.
  - 86.243. Regular actuarial surveys — adoption of mortality tables — certification of contribution rates.
  - 86.247. Annual valuation of assets and liabilities.
  - 86.248. Assets of fund retained for benefit of members.
  - 86.250. Members may retire when — application to board to be made when — compulsory retirement.
  - 86.251. Deferred retirement option plan — election — deposit of retirement allowance in DROP account — termination of participation, when — forms of payment — effect of participation — death of member, payment of funds — accidental disability retirement allowance, effect — interest, amount — approval by IRS — election for monthly survivor annuity, when.
  - 86.252. Distribution of interest of member, when — distribution periods.
  - 86.253. Service retirement allowance, how calculated — military service credit — contributions refund, when — retiree, surviving spouses, special consultants, when, benefits reduced, when.
  - 86.254. Special advisors, qualifications, duties, compensation — effective, when — surviving spouses as advisors, when, compensation.
  - 86.255. Eligible rollover distribution payable, election to pay directly to plan — definitions — written explanation required by board, when — distribution made, when.
  - 86.256. Annual benefit not to exceed certain amount — annual additions not to exceed certain amount — combined plan limitation not to be exceeded — incorporation by reference of Internal Revenue Code.
  - 86.257. Disability retirement allowance granted, when.
  - 86.260. Disability allowance, how calculated — members as special consultants, when — benefits for children.
  - 86.263. Service-connected accidental disability retirement.
  - 86.267. Service-connected disability retirement allowance calculated, how — appointment as special consultant, amount to be paid, duties.
  - 86.270. Examination of applicants for disability benefits — reexamination of members retired on disability.
  - 86.277. Disability allowance ceases on return to service — status as member.
  - 86.280. Death benefit — dependents' allowances.
  - 86.283. Death benefits of retired member — dependents' allowances — cost-of-living adjustment.
  - 86.287. Accidental death benefit — dependents' allowances.
  - 86.288. Contributions paid to surviving spouses, when.
  - 86.290. Accumulated contributions refunded, when.
  - 86.292. Accumulated contributions to remain system assets, when.
  - 86.293. Disposition of difference between benefits paid and accumulated contributions.
  - 86.297. Workers' compensation or other benefits offset against allowances.
  - 86.300. Trustees to manage funds.
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- 86.303. Interest on members' accounts.
  - 86.307. Treasurer, custodian of assets — payments from, made how.
  - 86.310. Ten percent may be kept in cash — maximum per depository.
  - 86.313. Trustees and employees not to have direct interest in investments.
  - 86.317. Assets credited to four funds, how designated.
  - 86.320. Contributions, rate of — deduction from compensation.
  - 86.323. Benefit reserve fund defined, how used.
  - 86.327. General reserve fund defined.
  - 86.330. Normal rate of contribution, how determined.
  - 86.337. Amount payable to general reserve fund — city's contribution.
  - 86.340. Accrued liability contribution discontinued, when.
  - 86.343. Annual expenses — city, board each provide one-half — board, duties.
  - 86.344. Certification of amounts due and payable, when, to whom — city, to appropriate funds, when.
  - 86.350. City obligated to pay cost of benefits and one-half of expenses.
  - 86.353. Benefits exempt from taxes and execution — not assignable, exception, child support or maintenance.
  - 86.354. Benefit vested and nonforfeitable, when — forfeitures, use of.
  - 86.357. Fraud in obtaining benefits, a misdemeanor — adjustment of errors.
  - 86.360. Consolidation of retirement system created by sections 86.010 to 86.193 with system created by this law.
  - 86.364. Certain sections to terminate, when.
  - 86.365. Special advisors, qualifications, compensation.
  - 86.366. Retired members made special advisors, when — compensation — applicants, processing.
  - 86.403. Voting — quorum.
  - 86.433. Retirement after thirty years, exception — minimum pension.
  - 86.437. Retirement at age sixty, when — pension, how calculated.
  - 86.440. Minimum pensions — special consultant, duty, compensation, cost-of-living adjustments.
  - 86.441. Cost-of-living adjustments, how computed.
  - 86.442. Supplemental retirement benefits, amounts, determination, purpose — member to be special consultant, compensation — board, powers — surviving spouse benefit limitations.
  - 86.447. Pensions of dependents of deceased retired members — funeral benefit — special consultant, duty, compensation.
  - 86.483. Investment of funds, board authorized to manage, designate depository — procedures.
  - 86.493. Moneys exempt from taxation and process, except for support orders and assignments.
  - 86.675. Cost-of-living adjustment — terms defined.
  - 86.730. Retirement boards — votes — records and reports — seal.
  - 86.750. Board shall be trustees of funds — powers and duties.
  - 86.770. Contributions credited to system — benefits, expenses — employer obligation.
  - 86.780. Benefits exempt from execution — not assignable, except for support obligations.
  - 87.120. Definitions.
  - 87.176. Special advisors to retirement system, qualifications — repayment of contribution, procedure.
  - 87.230. Widow may serve as special consultant, when, compensation, duties.
  - 87.237. Retiree to become special advisor, when, compensation.
  - 103.085. Termination of coverage, when, exceptions, certain persons may choose to continue coverage, requirements.
  - 104.010. Definitions.
  - 104.090. Normal annuity of retired member — additional allowance to patrolmen, qualifications — survivorship options — option selected prior to retirement, death of spouse, effect.
  - 104.103. Annual benefit increase, when, how computed — limitation — reversion of amount of benefit — special consultant, compensation.
  - 104.140. Death prior to retirement, benefits.
  - 104.335. Vesting service — members who are entitled to annuities — requirements, amounts — terminated vested member, judge, administrative law judge or legal advisor, election to pay present value of annuity, eligibility, purchase of prior service credit.
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- 104.344. Member entitled to purchase prior creditable service for nonfederal full-time public employment or contractual services — method, period, limitation.
  - 104.345. Circuit clerks entitled to prior service credit, when — certain circuit clerks to be appointed consultants, duties, compensation to be creditable service, when — clerks entitled to refund of contribution, procedure, also entitled to prior service credit.
  - 104.350. Withdrawal from service, when, reentry after withdrawal, how made — forfeiture and reinstatement of creditable service.
  - 104.372. General assembly members and elective state officers, survivor's income payments, when, amount — death before retirement survivor's benefit — creditable prior service for certain teachers employed by state — surviving spouse, special consultant.
  - 104.380. Retired members elected to state office, effect of — reemployment of retired members, payment of annuity.
  - 104.395. Options available to members in lieu of normal annuity — spouse as designated beneficiary, when — statement that spouse aware of retirement plan elected — reversion of amount of benefit, conditions — special consultant, compensation — election to be made, when.
  - 104.420. Death before retirement, member or disabled member — surviving spouse to receive benefits — if no qualifying surviving spouse, children's benefits.
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  - 104.1072. Life insurance benefits — medical insurance for certain retirees.
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  - 169.070. Retirement allowances, how computed, election allowed, time period — options — effect of federal O.A.S.I. coverage — cost-of-living adjustment authorized — limitation of benefits — employment of special consultant, compensation, minimum benefits.
  - 169.075. Survivors' benefits, options — purchase of prior service credits for previous service in another Missouri public school retirement system, cost — monthly retirement allowance — special consultant qualification, compensation, duties.
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  - 169.620. Contributions by members and employers — rate — penalty for failure to remit — benefits to be reduced, when — purchase of service credit, certain members, how.
  - 169.663. Disability retirement, when — return to duty, effect of disability payments — disability defined.
  - 169.670. Benefits, how computed — beneficiary benefits, options, election of.
  - 173.003. Retirement and severance policies, uniformity requirement.
  - 355.561. Amendment to articles by board or members.
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  - 476.687. Previous state employment, additional credited service.
  - 476.690. Eligible judge electing not to retire shall receive in addition to retirement compensation all annual cost-of-living increases given to retired judges — appointment as special consultant.
  - 513.430. Property exempt from attachment — benefits from certain employee plans, exception — bankruptcy proceeding, fraudulent transfers, exception — construction of section.
    - B. Emergency clause.
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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Sections 70.605, 70.661, 70.680, 70.685, 86.203, 86.207, 86.210, 86.213, 86.217, 86.220, 86.227, 86.237, 86.240, 86.243, 86.247, 86.250, 86.257, 86.263, 86.270, 86.277, 86.288, 86.290, 86.293, 86.297, 86.300, 86.303, 86.307, 86.310, 86.313, 86.317, 86.323, 86.327, 86.330, 86.337, 86.340, 86.343, 86.344, 86.350, 86.353, 86.357, 86.360, 86.364, 86.365, 86.366, 86.403, 86.433, 86.437, 86.442, 86.493, 86.675, 86.730, 86.780, 87.120, 87.176, 87.230, 87.237, 103.085, 104.140, 104.345, 355.561 and 355.596, RSMo 1994, and sections 67.210, 70.655, 70.675, 84.160, 86.200, 86.248, 86.251, 86.252, 86.253, 86.254, 86.255, 86.256, 86.260, 86.267, 86.280, 86.283, 86.287, 86.320, 86.354, 86.440, 86.441, 86.447, 86.483, 86.750, 86.770, 104.010, 104.090, 104.103, 104.335, 104.344, 104.350, 104.372, 104.380, 104.395, 104.420, 104.517, 104.610, 104.1015, 104.1024, 104.1027, 104.1042, 104.1072, 104.1090, 168.021, 169.060, 169.070, 169.075, 169.600, 169.620, 169.663, 169.670, 476.690 and 513.430, RSMo Supp. 1999, are repealed and one hundred fifteen new sections enacted in lieu thereof, to be known as sections 50.1175, 56.824, 67.210, 70.605, 70.655, 70.661, 70.675, 70.680, 70.685, 84.160, 86.200, 86.203, 86.207, 86.210, 86.213, 86.217, 86.220, 86.227, 86.237, 86.240, 86.243, 86.247, 86.248, 86.250, 86.251, 86.252, 86.253, 86.254, 86.255, 86.256, 86.257, 86.260, 86.263, 86.267, 86.270, 86.277, 86.280, 86.283, 86.287, 86.288, 86.290, 86.292, 86.293, 86.297, 86.300, 86.303, 86.307, 86.310, 86.313, 86.320, 86.330, 86.337, 86.340, 86.343, 86.344, 86.350, 86.353, 86.354, 86.357, 86.360, 86.364, 86.365, 86.366, 86.403, 86.433, 86.437, 86.440, 86.441, 86.442, 86.447, 86.483, 86.493, 86.675, 86.730, 86.750, 86.770, 86.780, 87.120, 87.230, 87.237, 103.085, 104.010, 104.090, 104.103, 104.140, 104.335, 104.344, 104.345, 104.350, 104.372, 104.380, 104.395, 104.420, 104.517, 104.610, 104.1015, 104.1024, 104.1027, 104.1042, 104.1072, 104.1090, 168.021, 169.060, 169.070, 169.075, 169.600, 169.620, 169.663, 169.670, 173.003, 355.561, 355.596, 476.687, 476.690 and 513.430, to read as follows:

**50.1175. PENSION BENEFITS AND RETIREMENT ALLOWANCES, EXEMPT FROM ATTACHMENT, GARNISHMENT AND OTHER PROCESSES — EXCEPTION, CHILD SUPPORT AND MAINTENANCE.**— **The right of a person to an annuity, pension benefit, funds, retirement allowance, right to a return on accumulated contributions, allowance options, property, or right created by or accrued, accruing or paid to any person pursuant to sections 50.1000 to 50.1300, including any defined contribution account created pursuant to sections 50.1210 to 50.1260 and any deferred compensation plan created pursuant to section 50.1300 shall not be subject to execution, garnishment, attachment, writ of sequestration, the operation of bankruptcy or insolvency laws, a qualified domestic relations order as defined in 26 U.S.C. Section 414(p) or 29 U.S.C. Section 1056(d), or any other domestic relations order or to any other claim or process of law whatsoever except for the collection of child support and maintenance after a member begins receiving payments, and shall be unassignable except as specifically provided in sections 50.1000 to 50.1300.**

**56.824. CERTAIN MEMBERS MAY ELECT REDUCED BENEFIT AT AGE SIXTY-TWO.**— Notwithstanding any other provision of law, any person who was a member of the system on August 28, 1989, who had served more than eight years as a prosecuting attorney or circuit attorney may elect to retire at age sixty-two at a reduced retirement benefit in a sum equal to the proportion of the retirement benefit provided in section 56.816 that the person's period of service bears to twelve years.

**67.210. POLITICAL SUBDIVISIONS MAY PROVIDE HEALTH INSURANCE BENEFITS WHEN, TO WHOM.**— Any political subdivision which provides or pays for health insurance benefits for its officers and employees may also provide or pay for all or part of such benefits, as may be determined by the governing body of the political subdivision, for the dependents of its officers and employees, and for retired employees **and their dependents and the dependents of deceased employees** of the political subdivision.

**70.605. MISSOURI LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM CREATED — BOARD OF TRUSTEES, COMPOSITION, TERMS — ANNUAL MEETING — VACANCIES, HOW CREATED — OATH — APPOINTMENT OF ACTUARY, ATTORNEY AND INVESTMENT COUNSELOR — MORTALITY TABLES TO BE ADOPTED — RECORD OF PROCEEDINGS — HEARINGS, NOTICE — SURETY BONDS — ANNUAL AUDITS — EXPENSES OF BOARD — RULES AND REGULATIONS, ADOPTION.**— 1. For the purpose of providing for the retirement or pensioning of the officers and employees and the widows and children of deceased officers and employees of any political subdivision of the state, there is hereby created and established a retirement system which shall be a body corporate, which shall be under the management of a board of trustees herein described, and shall be known as the "Missouri Local Government Employees' Retirement System". Such system may sue and be sued, transact business, invest funds, and hold cash, securities, and other property. The system shall begin operations on the first day of the calendar month next following sixty days after the date the board of trustees has received certification from ten political subdivisions that they have elected to become employers.

2. The general administration and the responsibility for the proper operation of the system is vested in a board of trustees of seven persons: three persons to be elected as trustees by the members of the system; three persons to be elected trustees by the governing bodies of employers; and one person, to be appointed by the governor, who is not a member, retirant, or beneficiary of the system and who is not a member of the governing body of any political subdivision.

3. Trustees shall be chosen for terms of four years from the first day of January next following their election or appointment, except that of the first board shall all be appointed by the governor by and with the consent of the senate, as follows:

(1) Three persons who are officers or officials of political subdivisions, one for a term of three years, one for a term of two years, and one for a term of one year; and

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(2) Three persons who are employees of political subdivisions and who would, if the subdivision by which they are employed becomes an employer, be eligible as members, one for a term of three years, one for a term of two years, and one for a term of one year; and

(3) That person appointed by the governor under the provisions of subsection 2 of this section. All the members of the first board shall take office as soon as appointed by the governor, but their terms shall be computed from the first day of January next following their appointment, and only one member may be from any political subdivision or be a policeman or fireman.

4. Successor trustees elected or appointed as member trustees shall be members of the retirement system; provided, that not more than one member trustee shall be employed by any one employer, and not more than one member trustee shall be a policeman, and not more than one member trustee shall be a fireman.

5. Successor trustees elected as employer trustees shall be elected or appointed officials of employers and shall not be members of the retirement system; provided, that not more than one employer trustee shall be from any one employer.

6. An annual meeting of the retirement system shall be called by the board in the last calendar quarter of each year in Jefferson City, or at such place as the board shall determine, for the purpose of electing trustees and to transact such other business as may be required for the proper operation of the system. Notice of such meeting shall be sent by registered mail to the clerk or secretary of each employer not less than thirty days prior to the date of such meeting. The governing body of each employer shall certify to the board the name of one delegate who shall be an officer of the employer, and the members of the employer shall certify to the board a member of the employer to represent such employer at such meeting. The delegate certified as member delegate shall be elected by secret ballot by the members of such employer, and the clerk or secretary of each employer shall be charged with the duty of conducting such election in a manner which will permit each member to vote in such election. Under such rules and regulations as the board shall adopt, approved by the delegates, the member delegates shall elect a member trustee for each such position on the board to be filled, and the officer delegates shall elect an employer trustee for each such position on the board to be filled.

7. In the event any member trustee ceases to be a member of the retirement system, or any employer trustee ceases to be an appointed or elected official of an employer, or becomes a member of the retirement system, or if the trustee appointed by the governor becomes a member of the retirement system or an elected or appointed official of a political subdivision, or if any trustee fails to attend three consecutive meetings of the board, unless in each case excused for cause by the remaining trustees attending such meeting or meetings, he shall be considered as having resigned from the board and the board shall, by resolution, declare his office of trustee vacated. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled; provided, however, that the remaining trustees may fill employer and member trustee vacancies on the board until the next annual meeting.

8. Each trustee shall be commissioned by the governor, and before entering upon the duties of his office, shall take and subscribe to an oath or affirmation to support the Constitution of the United States, and of the state of Missouri, and to demean himself faithfully in his office. Such oath as subscribed to shall be filed in the office of the secretary of state of this state.

9. Each trustee shall be entitled to one vote in the board of trustees. Four votes shall be necessary for a decision by the trustees at any meeting of the board of trustees. Four trustees, of whom at least two shall be member trustees and at least two shall be employer trustees, shall constitute a quorum at any meeting of the board. Unless otherwise expressly provided herein, a meeting need not be called or held to make any decision on a matter before the board. Each member must be sent by the executive secretary, a copy of the matter to be decided with full information from the files of the board. The concurring decisions of four trustees may decide the issue by signing a document declaring their decision and sending the written instrument to the executive secretary, provided that no other trustee shall send a dissenting decision to the executive secretary within fifteen days after the document and information was mailed to him. If any trustee is not in agreement with the four trustees, the matter is to be passed on at a regular board meeting or a special meeting called for that purpose. The board shall hold regular meetings at least once each quarter, the dates of these meetings to be designated in the rules and regulations adopted by the board. Other meetings as deemed necessary may be called by the chairman or by any four trustees acting jointly.

10. The board of trustees shall elect one of their number as chairman, and one of their number as vice chairman, and shall employ an executive secretary, not one of their number, who shall be the executive officer of the board. Other employees of the board shall be chosen only upon the recommendation of the executive secretary.

11. The board shall appoint an actuary or a firm of actuaries as technical advisor to the board on matters regarding the operation of the system on an actuarial basis. The actuary or actuaries shall perform such duties as are required of him or them under sections 70.600 to [70.760] **70.755**, and as are from time to time required by the board.

12. The board may appoint an attorney at law or firm of attorneys at law to be the legal advisor of the board and to represent the board in all legal proceedings.

13. The board may appoint an investment counselor to be the investment advisor of the board.

14. The board shall from time to time, after receiving the advice of its actuary, adopt such mortality and other tables of experience, and a rate or rates of regular interest, as shall be necessary for the actuarial requirements of the system, and shall require its executive secretary to keep in convenient form such data as shall be necessary for actuarial investigations of the experience of the system, and such data as shall be necessary for the annual actuarial valuations of the system.

15. The board shall keep a record of its proceedings, which shall be open to public inspection. It shall prepare annually and render to each employer a report showing the financial condition of the system as of the preceding June thirtieth. The report shall contain, but shall not be limited to, a financial balance sheet; a

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statement of income and disbursements; a detailed statement of investments acquired and disposed of during the year, together with a detailed statement of the annual rates of investment income from all assets and from each type of investment; an actuarial balance sheet prepared by means of the last valuation of the system, and such other data as the board shall deem necessary or desirable for a proper understanding of the condition of the system.

16. The board of trustees shall, after reasonable notice to all interested parties, **conduct administrative hearings to hear and decide questions arising from the administration of sections 70.600 to [70.760] 70.755; except, that such hearings may be conducted by a hearing officer who shall be appointed by the board. The hearing officer shall preside at the hearing and hear all evidence and rule on the admissibility of evidence. The hearing officer shall make recommended findings of fact and may make recommended conclusions of law to the board. All final orders or determinations or other final actions by the board shall be approved in writing by at least four members of the board. Any board member approving in writing any final order, determination, or other final action, who did not attend the hearing, shall do so only after certifying that he or she reviewed all exhibits and read the entire transcript of the hearing.** Within thirty days after a decision or order **or final action of the board**, any member, retirant, beneficiary or political subdivision adversely affected by that determination or order **or final action** may take an appeal under the provisions of chapter 536, RSMo.

17. The board shall arrange for adequate surety bonds covering the executive secretary and any other custodian of the funds or investments of the board. When approved by the board, said bonds shall be deposited in the office of the secretary of state.

18. The board shall arrange for annual audits of the records and accounts of the system by a certified public accountant or by a firm of certified public accountants. The state auditor shall examine such audits at least once every three years and report to the board and the governor.

19. The headquarters of the retirement system shall be in Jefferson City.

20. The board of trustees shall serve as trustees without compensation for their services as such; except that each trustee shall be paid for any necessary expenses incurred in attending meetings of the board or in the performance of other duties authorized by the board.

21. Subject to the limitations of sections 70.600 to [70.760] **70.755**, the board shall formulate and adopt rules and regulations for the government of its own proceedings and for the administration of the retirement system.

**70.655. RETIREMENT BENEFITS — PROGRAM TO BE SELECTED BY GOVERNING BODY — FORMULA FOR COMPUTING BENEFITS — COST-OF-LIVING FACTOR — SUSPENSION OF CERTAIN BENEFITS, WHEN. — 1.** Upon a member's retirement he shall receive an allowance for life in accordance with the applicable benefit program elected by his employer, as follows:

(1) Benefit program L-1. A member with credited service covered by benefit program L-1 shall receive an allowance for life equal to one percent of his final average salary multiplied by his number of years of such credited service.

(2) Benefit program L-3. A member with credited service covered by benefit program L-3 shall receive an allowance for life equal to one and one-quarter percent of his final average salary multiplied by his number of years of such credited service.

(3) Benefit program LT-4. A member with credited service covered by benefit program LT-4 shall receive an allowance for life equal to one percent of his final average salary multiplied by his number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger [(i) than the federal Social Security's minimum age for an immediate retirement benefit and (ii)] than age sixty-two, then such member shall receive a temporary allowance equal to one percent of his final average salary multiplied by his number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the [earliest] **earlier** of the following events occurs: such member's death; [or his attainment of such Social Security minimum age;] or his attainment of age sixty-two.

(4) Benefit program LT-5. A member with credited service covered by benefit program LT-5 shall receive an allowance for life equal to one and one-quarter percent of his final average salary multiplied by his number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger [(i) than the federal Social Security's minimum age for an immediate retirement benefit and (ii)] than age sixty-two, then such member shall receive a temporary allowance equal to three-quarters of one percent of his final average salary multiplied by his number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the [earliest] **earlier** of the following events occurs: such member's death; [or his attainment of such Social Security minimum age;] or his attainment of age sixty-two.

(5) Benefit program L-6. [Benefit program L-6 may cover employment in a position only if such position is not concurrently covered by federal social security; in addition, if such position was previously covered by federal Social Security, benefit program L-6 may cover only employment rendered after cessation of federal Social Security coverage.] A member with credited service covered by benefit program L-6 shall receive an allowance for life equal to two percent of his final average salary multiplied by his number of years of such credited service.

(6) Benefit program L-7. A member with credited service covered by benefit program L-7 shall receive an allowance for life equal to one and one-half percent of his final average salary multiplied by his number of years of such credited service.

(7) Benefit program LT-8. A member with credited service covered by benefit program LT-8 shall receive an allowance for life equal to one and one-half percent of his final average salary multiplied by his number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger

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[(i) than the federal Social Security's minimum age for an immediate retirement benefit and (ii)] than age sixty-two, then such member shall receive a temporary allowance equal to one-half of one percent of his final average salary multiplied by his number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the [earliest] **earlier** of the following events occurs: such member's death; [or his attainment of such Social Security minimum age;] or his attainment of age sixty-two.

(8) Benefit program LT-4(65). A member with credited service covered by benefit program LT-4(65) shall receive an allowance for life equal to one percent of his final average salary multiplied by his number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-five, then such member shall receive a temporary allowance equal to one percent of his final average salary multiplied by his number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or his attainment of age sixty-five.

(9) Benefit program LT-5(65). A member with credited service covered by benefit program LT-5(65) shall receive an allowance for life equal to one and one-quarter percent of his final average salary multiplied by his number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-five, then such member shall receive a temporary allowance equal to three-quarters of one percent of his final average salary multiplied by his number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or his attainment of age sixty-five.

(10) Benefit program LT-8(65). A member with credited service covered by benefit program LT-8(65) shall receive an allowance for life equal to one and one-half percent of his final average salary multiplied by his number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-five, then such member shall receive a temporary allowance equal to one-half of one percent of his final average salary multiplied by his number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or his attainment of age sixty-five.

(11) Benefit program L-9. A member with credited service covered by benefit program L-9 shall receive an allowance for life equal to one and six-tenths percent of his final average salary multiplied by his number of years of such credited service.

(12) Benefit program LT-10(65). A member with credited service covered by benefit program LT-10(65) shall receive an allowance for life equal to one and six-tenths percent of his final average salary multiplied by his number of years of such credited service. In addition, if such member is retiring as provided in section

70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-five, then such member shall receive a temporary allowance equal to four-tenths of one percent of his final average salary multiplied by his number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or his attainment of age sixty-five.

**(13) Benefit program L-11. Benefit program L-11 may cover employment in a position only if such position is not concurrently covered by federal social security; in addition, if such position was previously covered by federal social security, benefit program L-11 may cover only employment rendered after cessation of federal social security coverage. A member with credited service covered by benefit program L-11 shall receive an allowance for life equal to two and one-half percent of his final average salary multiplied by his number of years of such credited service.**

2. If each portion of a member's credited service is not covered by the same benefit program, then his total allowance for life shall be the total of the allowance for life determined under each applicable benefit program.

3. Each employer shall have the credited service of each of its members covered by benefit program L-1 provided for in this section unless such employer shall have elected another benefit program provided for in this section.

4. Except as otherwise provided in this subsection, each political subdivision, by majority vote of its governing body, may elect from time to time to cover its members, whose political subdivision employment is concurrently covered by federal Social Security, under one of the benefit programs provided for in this section. Each political subdivision, by majority vote of its governing body, may elect from time to time to cover its members, whose political subdivision employment is not concurrently covered by federal Social Security, under one of the benefit programs provided for in this section. The clerk or secretary of the political subdivision shall certify the election of the benefit program to the board within ten days after such vote. The effective date of the political subdivision's benefit program is the first day of the calendar month specified by such governing body, or the first day of the calendar month next following receipt by the board of the certification of election of benefit program, or the effective date of the political subdivision becoming an employer, whichever is the latest. Such election of benefit program may be changed from time to time by such vote, but not more often than biennially. If such changed benefit program provides larger allowances than the benefit program previously in effect, then such larger benefit program shall be applicable to the past and future employment with the employer by present and future employees. If such changed benefit program provides smaller allowances than the benefit program previously in effect, then such changed benefit program shall be applicable only to credited service for employment rendered from and after the effective date of such change. After August 28, 1994, political subdivisions shall not elect coverage under benefit program LT-4, benefit program LT-5, or benefit program LT-8.

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5. Should an employer change its election of benefit program as provided in this section, the employer contributions shall be correspondingly changed effective the same date as the benefit program change.

6. The limitation on increases in an employer's contribution provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer electing a benefit program which provides larger allowances.

7. Subject to the provisions of subsections 9 and 10 of this section, for an allowance becoming effective on September 28, 1975, or later, and beginning with the October first which is at least twelve full months after the effective date of the allowance, the amount of the allowance shall be redetermined effective each October first and such redetermined amount shall be payable for the ensuing year. Subject to the limitations stated in the next sentence, such redetermined amount shall be the amount of the allowance otherwise payable multiplied by the following percent: One hundred percent, plus two percent for each full year (excluding any fraction of a year) in the period from the effective date of the allowance to the current October first. In no event shall such redetermined amount (1) be less than the amount of the allowance otherwise payable nor (2) be more than the amount of the allowance otherwise payable multiplied by the following fraction: The numerator shall be the Consumer Price Index for the month of June immediately preceding such October first (but in no event an amount less than the denominator below) and; the denominator shall be the Consumer Price Index for the month of June immediately preceding the effective date of the allowance. As used herein, "Consumer Price Index" means the Consumer Price Index for Urban Wage Earners and Clerical Workers, as determined by the United States Department of Labor and in effect January 1, 1975; provided, should such Consumer Price Index be restructured subsequent to 1974 in a manner materially changing its character, the board shall change the application of the Consumer Price Index so that as far as is practicable the 1975 intent of the use of the Consumer Price Index shall be continued. As used herein "the amount of the allowance otherwise payable" means the amount of the allowance which would be payable without regard to these provisions redetermining allowance amounts after retirement.

8. Subject to the provisions of subsections 9 and 10 of this section, for an allowance becoming effective on September 28, 1975, or later, the maximum allowance payable under the provisions of section 70.685 [and under the provisions of subsection 6 of section 70.680] shall be redetermined each October first in the same manner as an allowance is redetermined under the provisions of subsection 7 of this section.

9. (1) The system establishes reserves for the payment of future allowances to retirants and beneficiaries. Should the board determine, after consulting with the actuary, that the established reserves are more than sufficient to provide such allowances, the board may increase the annual increase rate provided for in subsections 7 and 8 of this section, as it applies to any allowance payable, but in no event shall the total of all redetermined amounts as of October first of any year be greater than one hundred four percent of the allowances which would have been payable that October first without such redeterminations; provided, as of any redetermination date the same annual increase rate shall be applied to all

allowances with effective dates in the range of November first to October first of the following year. The board may extend the provisions of subsections 7 and 8 of this section to allowances which became effective before September 28, 1975; provided, such an action by the board shall not increase an employer contribution rate then in effect;

(2) After August 28, 1993, the annual increase rate established by this subsection shall be a compound rate, compounded annually, and the four percent annual maximum rate shall also be a compound rate, compounded annually; provided, the use of such compounding shall not begin until October 1, 1993, and shall not affect redeterminations made prior to that date.

10. Should the board determine that the provisions of subsections 7, 8 and 9 of this section are jeopardizing the financial solvency of the system, the board shall suspend these provisions redetermining allowance amounts after retirement for such periods of time as the board deems appropriate.

**70.661. MEMBER DECEASED BEFORE RETIREMENT, SURVIVING SPOUSE OR DEPENDENT CHILDREN ENTITLED TO BENEFITS, WHEN — DETERMINATION OF ELIGIBILITY.**— 1. If a member with five or more years of credited service dies before retirement while an employee, the [applicable] benefits provided in subsections 2, 3, [and] 4 **and 5** of this section shall be paid, [subject to the provisions of section 70.685] **as applicable**.

2. **(1)** [His] **The** surviving spouse [with whom he was living and] to whom [he] **the member** was married for not less than two years immediately preceding the time of [his] **the member's** death shall receive an allowance computed in the same manner in all respects as if such member had:

[**(1)**] **(a)** Retired **on the first day of the month following** the date of his **or her** death with an allowance for life based upon [his] **the member's** credited service and final average salary to time of death and without reduction if [his] **the member's** age was younger than [his] **the member's** minimum service retirement age;

[**(2)**] **(b)** Elected option A provided for in section 70.660; and

[**(3)**] **(c)** Nominated such spouse as joint beneficiary under such option. [If such spouse had not attained age forty at the time of the member's death, such spouse allowance shall be payable for the remaining life of such spouse, but in no event for more than one hundred twenty months.]

**(2) If the board finds that the member's death was the result of an accident that did not arise out of and in the course of his or her actual performance of duty as an employee, the requirement that the surviving spouse must have been married to the member for not less than two years immediately preceding the time of the member's death shall not apply.**

**3. If the board finds that the member's death was the natural and proximate result of a personal injury or disease arising out of and in the course of his or her actual performance of duty as an employee, then:**

**(1) Other provisions of law to the contrary notwithstanding, for the purpose of computing the amount of the allowance payable under this section and for the purpose of determining eligibility under subsection 1 of this**

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section, credited service shall include the period from the date of the member's death to the date he or she would have attained age sixty, or the date he or she would have acquired five years of credited service, if later; and

(2) In order to be eligible for spouse benefits, the surviving spouse and the deceased member must have been married on the date of the personal injury resulting in the member's death or on the date of onset of the disease resulting in the member's death. In any case of question as to the date of onset of disease resulting in the member's death, the board shall decide the question.

[3.] 4. If a [spouse] benefit is not payable under the provisions of subsection 2 or 3 of this section, or when such [spouse] benefit has ceased to be payable, each dependent child of the deceased member, **if any**, shall receive an allowance of an equal share of sixty percent of an allowance computed in the same manner in all respects as if such **deceased** member had retired **on the first day of the month following** the date of his **or her** death with an allowance for life based upon [his] **the member's** credited service and final average salary to time of death and without reduction if [his] **the member's** age was younger than [his] **the member's** minimum service retirement age. A child shall be a dependent child until [his] **the child's** death or [his] marriage or [his] attainment of age eighteen, whichever occurs first; provided, the age eighteen maximum shall be extended as long as the child continues uninterruptedly being a full-time student at an accredited secondary school or college or university, but in no event beyond [his] attainment of age twenty-three; provided further, the age eighteen maximum shall be extended for any child who has been found totally incapacitated by a court of competent jurisdiction for as long as such incapacity exists. Upon a child ceasing to be a dependent child, his **or her** allowance shall terminate, and there shall be a redetermination of the amounts payable to any remaining dependent children.

[4.] 5. In the event all **of** the allowances provided for in this section, payable on account of the death of a member, terminate before there has been paid an aggregate amount equal to [his] **the** accumulated contributions standing to [his] **the deceased member's** credit in the member's deposit fund at the time of [his] death, the difference between such accumulated contributions and such aggregate amount of allowance payments shall be paid to such person as [he] **the member** shall have nominated by written designation duly executed and filed with the board. If there be no such designated person surviving at termination, such difference shall be paid to the member's estate **or to the estate of the last beneficiary to whom benefits were paid.**

[5. For the purpose of computing the amount of the allowance payable under this section and for the purpose of determining eligibility pursuant to subsection 1 of this section, credited service shall be given for the period from the date of the member's death to the date he would have attained age sixty, if the board finds that the death was the natural and proximate result of a personal injury or disease arising out of and in the course of his actual performance of duty as an employee.]

**70.675. DEFERRED ALLOWANCE, REQUIREMENTS, OPTION —  
CONTRIBUTION WITHDRAWAL, EFFECT ON CREDITED SERVICE — DEATH OF  
FORMER MEMBER PRIOR TO RETIREMENT, ALLOWANCE PAYABLE TO SURVIVING**

**SPOUSE, WHEN.**— 1. Should a member with five or more years of credited service cease to be a member, except by death or retirement, before attaining an age which is within five years of his or her minimum service retirement age, the member shall be entitled to a deferred allowance provided for in this section; provided, if the [retirant] **former member** withdraws [the member's] **his or her** accumulated contributions from the members deposit fund, for purposes of this section there shall be eliminated from credited service any membership service or prior service for which the member was required to make member contributions provided for in subsection 2 of section 70.705. Such deferred allowance shall commence as of the first day of the calendar month next following the later of:

(1) The member's attainment of an age which is within five years of his or her minimum service retirement age; or

(2) The date the member's written application therefor is received by the board, in accordance with the provisions of subsection 2 of this section. The member shall have the right to elect an option provided for in section 70.660 at the time of filing such written application.

2. Except as provided in subsection 5 of this section, a former member otherwise entitled to a deferred allowance shall be entitled to a deferred allowance only if the former member lives to an age which is within five years of his or her minimum service retirement age and if written application therefor is received by the board from the former member not earlier than ninety days before his or her attainment of such age. If such former member does not live to retirement or in the event the former member becomes employed in a position covered by the system before becoming a retirant or in the event such written application is not received by the board within the time limits specified, no benefits whatsoever shall be paid pursuant to the provisions of this section, except as provided in subsection 5 of this section.

3. A former member otherwise entitled to a deferred allowance shall be considered a member only for the purposes of subsection 4 of section 70.725.

4. If the deferred allowance commences prior to the date the former member reaches his or her minimum service retirement age, the allowance shall be a certain percent of the allowance otherwise provided for in this section. Such percent shall be one hundred percent reduced by one-half of one percent multiplied by the number of months by which the former member's age at the date the allowance commences is younger than the former member's minimum service retirement age.

5. If a former member who: (1) is entitled to a deferred allowance pursuant to this section; and (2) does not receive a lump sum payment as provided in section 70.676, dies before his or her date of retirement, the applicable benefits, if any, provided in this subsection shall be paid. The former member's surviving spouse, if any, [with whom the former member was living and] to whom the former member was married for not less than two years immediately preceding the date of the former member's death shall receive an allowance computed in the same manner in all respects as if such former member had:

(1) Survived to the first day of the calendar month next following the day the former member would have attained his or her minimum service retirement age or

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if later, the first day of the calendar month next following the date of the former member's death;

- (2) Retired on such day with an allowance for life based on his or her credited service and final average salary at the time of termination of membership;
- (3) Elected option A provided for in section 70.660;
- (4) Nominated such spouse as joint beneficiary under such option; and
- (5) Died on such day after electing such option A.

The allowance payable to the surviving spouse shall commence as of the first day of the calendar month next following the day the former member would have attained his or her minimum service retirement age or, if later, the first day of the calendar month next following the date of the former member's death. [If such spouse had not attained age forty at the time of the former member's death, such spouse allowance shall commence on the date specified in this subsection and shall be payable for the remaining life of such spouse, but in no event for more than one hundred twenty months.] This subsection shall apply to any person who is a former member on or after August 28, 1998.

**70.680. DISABILITY RETIREMENT — MEDICAL EXAMINATIONS REQUIRED, WHEN — OPTION.** — 1. Any member in service with five or more years of credited service who has not attained the age and service requirements of section 70.645 and who becomes totally and permanently physically or mentally incapacitated for his duty as an employee, as the result of a personal injury or disease, may be retired by the board upon written application filed with the board by or on behalf of the member; provided, that after a medical examination of such member made by or under the direction of a medical committee consisting of three physicians, one of whom shall be selected by the board, one by or on behalf of such member, and the third by the first two physicians so named, the medical committee reports to the board, by majority opinion in writing, that such member is physically or mentally totally incapacitated for the further performance of duty, that such incapacity will probably be permanent and that such member should be retired.

2. Upon disability retirement, as provided in subsection 1 of this section, a member shall receive an allowance for life provided for in section 70.655 and shall have the right to elect an option provided for in section 70.660. His **or her** disability retirement and allowance shall be subject to the provisions of [subsections 5 and 6] **subsection 5** of this section and to the provisions of section 70.685.

3. Any member in service who becomes totally and permanently physically or mentally incapacitated for his duty as an employee, as the natural and proximate result of a personal injury or disease which the board finds to have arisen out of and in the course of his actual performance of duty as an employee, may be retired by the board upon written application filed with the board by or on behalf of the member; provided, that after a medical examination of such member made by or under the direction of a medical committee consisting of three physicians, one of whom shall be selected by the board, one by or on behalf of such member, and the third by the first two physicians so named, the medical committee reports to the board, by majority opinion in writing, that such member is physically or mentally

totally incapacitated for the further performance of duty, that such incapacity will probably be permanent, and that such member should be retired.

4. Upon disability retirement as provided in subsection 3 of this section, a member shall receive an allowance for life provided for in section 70.655; provided, that for the sole purpose of computing the amount of such allowance, he **or she** shall be given credited service for the period from the date of his **or her** disability retirement to the date he **or she** would attain age sixty. He **or she** shall have the right to elect an option provided for in section 70.660. His **or her** disability retirement and allowance shall be subject to the provisions of [subsections 5 and 6] **subsection 5** of this section and to the provisions of section 70.685.

5. At least once each year during the first five years following a member's retirement on account of disability, and at least once in each three-year period thereafter, the board shall require any disability retirant who has not attained his minimum service retirement age to undergo a medical examination to be made by a physician designated by the board. If the retirant refuses to submit to medical examination in any such period, his disability allowance shall be suspended by the board until his withdrawal of such refusal. If such refusal continues for one year, all his rights in and to a disability allowance shall be revoked by the board. If, upon medical examination of the retirant, the physician reports to the board that the retirant is physically and mentally able and capable of resuming his duty as an employee in the position held by him at the time of his disability retirement, then the board shall, if demanded by the retirant, arrange a further medical examination of such member made by or under the direction of a medical committee consisting of three physicians, one of whom shall be selected by the board, one by or on behalf of the member, and the third by the first two physicians named. Should the medical committee concur, by majority opinion in writing to the board, the disability retirant is capable of resumption of duty, his disability retirement shall terminate and he shall be returned to duty and he shall immediately again become a member of the system, his credited service at the time of disability retirement shall be restored to his credit, and the amount of his accumulated contributions at the time of his disability retirement shall be restored to his credit in the members deposit fund. If he was in receipt of a duty disability allowance provided for in subsection 3 of this section, he shall also be given service credit for the period he was in receipt of the duty disability allowance.

[6. Should a disability retirant who has not attained his minimum service retirement age receive remuneration for his personal services rendered in any gainful occupation, then in no event shall the amount of his disability allowance exceed the difference between his final average salary and the total of the following amounts:

- (1) Such remuneration; and
- (2) The benefit, if any, payable from the federal Social Security Old Age, Survivors, and Disability Insurance Program on account of his disability.]

**70.685. MAXIMUM DISABILITY BENEFIT, EFFECT OF OTHER BENEFITS OR REMUNERATION RECEIVED BY RETIRANT. — 1.** If [a death allowance is payable

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under the provisions of section 70.661, or if] a disability allowance is payable under the provisions of section 70.680, and if the [beneficiary or] retirant is also receiving workers' compensation **benefits** under any workers' compensation or similar law on account of the same [death or] disability, **or if the retirant is receiving remuneration for his or her personal services rendered in any gainful occupation or employment**, then in no event shall the amount of the system allowance payable until the member would have attained his minimum service retirement age exceed the difference between the member's final [average] **monthly** salary and the total of the following amounts:

- (1) The **monthly** workers' compensation **benefit, if any**; and
- (2) The **monthly** benefit, if any, payable from the federal social security old age, survivors, and disability insurance program on account of the same [death or] disability; and
- (3) The portion of any **monthly** remuneration received by [such beneficiary] **the retirant for personal services rendered in any gainful occupation or employment** which is more than the amount of such **monthly** remuneration being received [by such person] at the time of the member's separation from service [or that portion received by such retirant for personal services rendered by him in any gainful occupation].

2. For purposes of this section, the member's final monthly salary shall mean the monthly average of compensation paid to the member during the most recent calendar year preceding the member's separation from service.

3. For purposes of this section, the "monthly remuneration being received at the time of the member's separation from service" shall mean one-twelfth of the member's remuneration for personal services rendered in any gainful occupation or employment not covered by the system during the most recent calendar year preceding the member's separation from service.

**84.160. ANNUAL SALARY TABLES — OVERTIME, HOW COMPENSATED — OTHER EMPLOYMENT BENEFITS — UNUSED VACATION, COMPENSATION FOR CERTAIN OFFICERS.**— 1. Based upon rank and length of service, the board of police commissioners may authorize maximum amounts of compensation for members of the police force in accordance with the following tables. **The amounts of compensation set out in the following tables shall be the maximum amount of compensation payable to commissioned employees in each of the categories, except as expressly provided in this section.**

2. [From July 1, 1998, until June 30, 1999:

TURNKEY THROUGH CHIEF OF POLICE - FISCAL YEAR

| Yrs. | Tky.<br>Salary | P.O.<br>Salary | Sgt.<br>Salary | Lieut.<br>Salary | Capt.<br>Salary | Maj.<br>Salary | Lt.Col.<br>Salary | Asst.           |                 |
|------|----------------|----------------|----------------|------------------|-----------------|----------------|-------------------|-----------------|-----------------|
|      |                |                |                |                  |                 |                |                   | Chief<br>Salary | Chief<br>Salary |
| 0    | 25085          | 29092          |                |                  |                 |                |                   |                 |                 |
| 1    | 25425          | 30202          |                |                  |                 |                |                   |                 |                 |
| 2    | 25764          | 31229          |                |                  |                 |                |                   |                 |                 |
| 3    | 26103          | 33135          |                |                  |                 |                |                   |                 |                 |
| 4    | 26442          | 34079          |                |                  |                 |                |                   |                 |                 |

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|    |       |       |       |       |       |       |       |       |       |
|----|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 5  | 26782 | 35304 | 43059 |       |       |       |       |       |       |
| 6  | 27088 | 36529 | 43194 |       |       |       |       |       |       |
| 7  | 29036 | 38880 | 45928 | 50619 |       |       |       |       |       |
| 8  | 29935 | 39787 | 46975 | 51757 |       |       |       |       |       |
| 9  | 30499 | 39934 | 47120 | 51902 | 56640 |       |       |       |       |
| 10 | 30682 | 40081 | 47266 | 52048 | 56786 |       |       |       |       |
| 11 | 30865 | 40542 | 47412 | 52193 | 56933 | 62376 |       |       |       |
| 12 | 31049 | 40695 | 47557 | 52340 | 57078 | 62522 | 64215 | 67624 | 80415 |
| 13 | 31232 | 40840 | 47704 | 52486 | 57225 | 62666 | 66434 | 69843 | 80706 |
| 14 | 31416 | 40985 | 47850 | 52631 | 57370 | 62813 | 66579 | 69989 | 80997 |
| 15 | 31599 | 41132 | 47995 | 52777 | 57515 | 62958 | 66726 | 70136 | 81288 |
| 16 | 31783 | 41277 | 48141 | 52922 | 57661 | 63105 | 66871 | 70280 | 81580 |
| 17 | 31966 | 41424 | 48287 | 53069 | 57807 | 63251 | 67018 | 70427 | 81872 |
| 18 | 32151 | 41569 | 48433 | 53215 | 58014 | 63395 | 67162 | 70572 | 82162 |
| 19 | 32333 | 41714 | 48578 | 53361 | 58099 | 63542 | 67308 | 70717 | 82455 |
| 20 | 32517 | 41860 | 48724 | 53506 | 58244 | 63688 | 67454 | 70865 | 82747 |
| 21 | 32700 | 42006 | 48869 | 53652 | 58390 | 63834 | 67600 | 71009 | 83038 |
| 22 | 32884 | 42152 | 49016 | 53798 | 58536 | 63979 | 67747 | 71156 | 83329 |
| 23 | 33067 | 42298 | 49162 | 53944 | 58682 | 64124 | 67891 | 71301 | 83621 |
| 24 | 33251 | 42443 | 49307 | 54090 | 58828 | 64270 | 68039 | 71447 | 83911 |
| 25 | 33434 | 42589 | 49453 | 54235 | 58974 | 64417 | 68183 | 71594 | 84204 |
| 26 | 33618 | 42735 | 49598 | 54381 | 59120 | 64563 | 68329 | 71738 | 84496 |
| 27 | 33801 | 42882 | 49745 | 54527 | 59265 | 64708 | 68476 | 71885 | 84788 |
| 28 | 33985 | 43027 | 49891 | 54673 | 59411 | 64853 | 68620 | 72029 | 85079 |
| 29 | 34167 | 43172 | 50036 | 54817 | 59557 | 65000 | 68768 | 72176 | 85369 |
| 30 | 34351 | 43318 | 50182 | 54964 | 59701 | 65146 | 68912 | 72323 | 85662 |

3. From July 1, 1999, until June 30, 2000:

|      | Tky.   | P.O.   | Sgt.   | Lieut. | Capt.  | Maj.   | Lt.Col. | Asst.<br>Chief | Chief  |
|------|--------|--------|--------|--------|--------|--------|---------|----------------|--------|
| Yrs. | Salary | Salary | Salary | Salary | Salary | Salary | Salary  | Salary         | Salary |
| 0    | 25587  | 29674  |        |        |        |        |         |                |        |
| 1    | 25933  | 30806  |        |        |        |        |         |                |        |
| 2    | 26279  | 31854  |        |        |        |        |         |                |        |
| 3    | 26625  | 33797  |        |        |        |        |         |                |        |
| 4    | 26971  | 34761  |        |        |        |        |         |                |        |
| 5    | 27318  | 36010  | 43920  |        |        |        |         |                |        |
| 6    | 27630  | 37260  | 44058  |        |        |        |         |                |        |
| 7    | 29617  | 39658  | 46846  | 51631  |        |        |         |                |        |
| 8    | 31133  | 41379  | 48854  | 53827  |        |        |         |                |        |
| 9    | 31719  | 41531  | 49005  | 53978  | 58906  |        |         |                |        |
| 10   | 31909  | 41684  | 49157  | 54130  | 59058  |        |         |                |        |
| 11   | 32100  | 42164  | 49308  | 54281  | 59210  | 64871  |         |                |        |
| 12   | 32291  | 42323  | 49459  | 54434  | 59361  | 65023  | 66783   | 70329          | 83631  |
| 13   | 32482  | 42473  | 49612  | 54585  | 59514  | 65173  | 69092   | 72637          | 83934  |
| 14   | 32673  | 42625  | 49764  | 54737  | 59664  | 65325  | 69242   | 72788          | 84237  |

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|----|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 15 | 32863 | 42777 | 49915 | 54888 | 59816 | 65477 | 69395 | 72941 | 84540 |
| 16 | 33055 | 42928 | 50066 | 55039 | 59967 | 65629 | 69546 | 73091 | 84843 |
| 17 | 33245 | 43081 | 50219 | 55192 | 60120 | 65781 | 69698 | 73244 | 85147 |
| 18 | 33437 | 43232 | 50370 | 55343 | 60335 | 65931 | 69849 | 73395 | 85449 |
| 19 | 33626 | 43383 | 50522 | 55496 | 60423 | 66084 | 70000 | 73546 | 85754 |
| 20 | 33817 | 43534 | 50673 | 55646 | 60574 | 66235 | 70153 | 73699 | 86056 |
| 21 | 34008 | 43686 | 50823 | 55798 | 60725 | 66388 | 70304 | 73849 | 86359 |
| 22 | 34199 | 43838 | 50977 | 55950 | 60878 | 66538 | 70457 | 74002 | 86662 |
| 23 | 34389 | 43990 | 51128 | 56102 | 61029 | 66689 | 70607 | 74153 | 86966 |
| 24 | 34581 | 44141 | 51280 | 56254 | 61181 | 66841 | 70760 | 74305 | 87268 |
| 25 | 34771 | 44293 | 51431 | 56404 | 61333 | 66993 | 70911 | 74457 | 87572 |
| 26 | 34963 | 44444 | 51582 | 56556 | 61485 | 67146 | 71062 | 74608 | 87876 |
| 27 | 35153 | 44598 | 51735 | 56708 | 61636 | 67296 | 71215 | 74760 | 88180 |
| 28 | 35345 | 44748 | 51887 | 56860 | 61787 | 67447 | 71365 | 74911 | 88482 |
| 29 | 35534 | 44899 | 52038 | 57010 | 61939 | 67600 | 71519 | 75063 | 88784 |
| 30 | 35725 | 45051 | 52189 | 57163 | 62089 | 67751 | 71669 | 75216 | 89088 |

4.] From July 1, 2000, to June 30, 2001:

**SALARY MATRIX - POLICE OFFICER THROUGH CHIEF OF POLICE -  
FISCAL YEAR**

|      | P.O.   | Sgt.   | Lieut. | Capt.  | Maj.   | Lt. Col. | Chief  | Asst.<br>Chief |
|------|--------|--------|--------|--------|--------|----------|--------|----------------|
| Yrs. | Salary | Salary | Salary | Salary | Salary | Salary   | Salary | Salary         |
| 0    | 30564  |        |        |        |        |          |        |                |
| 1    | 31730  |        |        |        |        |          |        |                |
| 2    | 32809  |        |        |        |        |          |        |                |
| 3    | 34812  |        |        |        |        |          |        |                |
| 4    | 35803  |        |        |        |        |          |        |                |
| 5    | 37090  | 45238  |        |        |        |          |        |                |
| 6    | 38377  | 45380  |        |        |        |          |        |                |
| 7    | 40847  | 48252  | 53180  |        |        |          |        |                |
| 8    | 42620  | 50320  | 55442  |        |        |          |        |                |
| 9    | 43608  | 51455  | 56677  | 61851  |        |          |        |                |
| 10   | 43768  | 51615  | 56837  | 62011  |        |          |        |                |
| 11   | 44272  | 51773  | 56995  | 62171  | 68115  |          |        |                |
| 12   | 44439  | 51932  | 57156  | 62329  | 68274  | 70122    | 73845  | 87813          |
| 13   | 44597  | 52093  | 57314  | 62490  | 68432  | 72547    | 76269  | 88131          |
| 14   | 44756  | 52252  | 57474  | 62647  | 68591  | 72704    | 76427  | 88449          |
| 15   | 44916  | 52411  | 57632  | 62807  | 68751  | 72865    | 76588  | 88767          |
| 16   | 45074  | 52569  | 57791  | 62965  | 68910  | 73023    | 76746  | 89085          |
| 17   | 45235  | 52730  | 57952  | 63126  | 69070  | 73183    | 76906  | 89404          |
| 18   | 45394  | 52889  | 58110  | 63352  | 69228  | 73341    | 77065  | 89721          |
| 19   | 45552  | 53048  | 58271  | 63444  | 69388  | 73500    | 77223  | 90042          |
| 20   | 45711  | 53207  | 58428  | 63603  | 69547  | 73661    | 77384  | 90359          |
| 21   | 45870  | 53364  | 58588  | 63761  | 69707  | 73819    | 77541  | 90677          |
| 22   | 46030  | 53526  | 58748  | 63922  | 69865  | 73980    | 77702  | 90995          |

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|    |       |       |       |       |       |       |       |       |
|----|-------|-------|-------|-------|-------|-------|-------|-------|
| 23 | 46190 | 53684 | 58907 | 64080 | 70023 | 74137 | 77861 | 91314 |
| 24 | 46348 | 53844 | 59067 | 64240 | 70183 | 74298 | 78020 | 91631 |
| 25 | 46508 | 54003 | 59224 | 64400 | 70343 | 74457 | 78180 | 91951 |
| 26 | 46666 | 54161 | 59384 | 64559 | 70503 | 74615 | 78338 | 92270 |
| 27 | 46828 | 54322 | 59543 | 64718 | 70661 | 74776 | 78498 | 92589 |
| 28 | 46985 | 54481 | 59703 | 64876 | 70819 | 74933 | 78657 | 92906 |
| 29 | 47144 | 54640 | 59861 | 65036 | 70980 | 75095 | 78816 | 93223 |
| 30 | 47304 | 54798 | 60021 | 65193 | 71139 | 75252 | 78977 | 93542 |

3. From July 1, 2001, until June 30, 2002:

**SALARY MATRIX - POLICE OFFICER THROUGH CHIEF OF POLICE -  
FISCAL YEAR**

|      |        |        |        |        |        | Asst.    |        |        |
|------|--------|--------|--------|--------|--------|----------|--------|--------|
|      | P.O.   | Sgt.   | Lieut. | Capt.  | Maj.   | Lt. Col. | Chief  | Chief  |
| Yrs. | Salary | Salary | Salary | Salary | Salary | Salary   | Salary | Salary |
| 0    | 31481  |        |        |        |        |          |        |        |
| 1    | 32682  |        |        |        |        |          |        |        |
| 2    | 33793  |        |        |        |        |          |        |        |
| 3    | 35856  |        |        |        |        |          |        |        |
| 4    | 36877  |        |        |        |        |          |        |        |
| 5    | 38203  | 46595  |        |        |        |          |        |        |
| 6    | 39529  | 46741  |        |        |        |          |        |        |
| 7    | 42073  | 49700  | 54776  |        |        |          |        |        |
| 8    | 43898  | 51829  | 57105  |        |        |          |        |        |
| 9    | 45788  | 54028  | 59511  | 64943  |        |          |        |        |
| 10   | 45957  | 54195  | 59678  | 65111  |        |          |        |        |
| 11   | 46485  | 54363  | 59844  | 65279  | 71520  |          |        |        |
| 12   | 46661  | 54529  | 60013  | 65446  | 71688  | 73629    | 77538  | 92204  |
| 13   | 46827  | 54697  | 60180  | 65614  | 71853  | 76173    | 80082  | 92537  |
| 14   | 46993  | 54865  | 60347  | 65780  | 72021  | 76339    | 80249  | 92871  |
| 15   | 47162  | 55031  | 60514  | 65947  | 72188  | 76508    | 80418  | 93205  |
| 16   | 47328  | 55198  | 60680  | 66114  | 72356  | 76674    | 80583  | 93540  |
| 17   | 47497  | 55366  | 60849  | 66282  | 72524  | 76843    | 80752  | 93874  |
| 18   | 47663  | 55533  | 61016  | 66519  | 72689  | 77008    | 80918  | 94207  |
| 19   | 47829  | 55700  | 61184  | 66616  | 72857  | 77175    | 81084  | 94543  |
| 20   | 47997  | 55867  | 61350  | 66783  | 73025  | 77343    | 81254  | 94878  |
| 21   | 48164  | 56033  | 61517  | 66950  | 73192  | 77510    | 81419  | 95211  |
| 22   | 48331  | 56202  | 61685  | 67117  | 73358  | 77679    | 81587  | 95545  |
| 23   | 48499  | 56369  | 61852  | 67285  | 73525  | 77844    | 81754  | 95880  |
| 24   | 48665  | 56535  | 62020  | 67452  | 73692  | 78014    | 81921  | 96212  |
| 25   | 48833  | 56703  | 62186  | 67620  | 73861  | 78179    | 82090  | 96548  |
| 26   | 49000  | 56869  | 62353  | 67787  | 74028  | 78346    | 82255  | 96883  |
| 27   | 49169  | 57038  | 62521  | 67953  | 74194  | 78515    | 82423  | 97218  |
| 28   | 49335  | 57205  | 62688  | 68121  | 74360  | 78680    | 82588  | 97552  |
| 29   | 49501  | 57371  | 62853  | 68288  | 74529  | 78849    | 82757  | 97884  |
| 30   | 49668  | 57539  | 63022  | 68453  | 74696  | 79014    | 82926  | 98220  |

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4. Each of the above-mentioned salaries shall be payable in biweekly installments. Each officer of police and patrolman whose regular assignment requires nonuniformed attire may receive, in addition to his **or her** salary, an allowance not to exceed three hundred sixty dollars per annum payable biweekly. No additional compensation or compensatory time off for overtime, court time, or standby court time shall be paid or allowed to any officer of the rank of sergeant or above. **Notwithstanding any other provision of law to the contrary, nothing in this section shall prohibit the payment of additional compensation pursuant to this subsection to officers of the ranks of sergeants and above, provided that funding for such compensation shall not:**

**(1) Be paid from the general funds of either the city or the board of police commissioners of the city; or**

**(2) Be violative of any federal law or other state law.**

5. It is the duty of the municipal assembly or common council of the cities to make the necessary appropriation for the expenses of the maintenance of the police force in the manner herein and hereafter provided; provided, that in no event shall such municipal assembly or common council be required to appropriate for such purposes (including, but not limited to, costs of funding pensions or retirement plans) for any fiscal year a sum in excess of any limitation imposed by article X, section 21, Missouri Constitution; and provided further, that such municipal assembly or common council may appropriate a sum in excess of such limitation for any fiscal year by an appropriations ordinance enacted in conformity with the provisions of the charter of such cities.

6. The board of police commissioners shall pay additional compensation for all hours of service rendered by [turnkeys,] probationary patrolmen and patrolmen in excess of the established regular working period, and the rate of compensation shall be one and one-half times the regular hourly rate of pay to which each member shall normally be entitled; except that, the court time and court standby time shall be paid at the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given or deductions made from payments for overtime for the purpose of retirement benefits.

7. [Turnkeys,] Probationary patrolmen and patrolmen shall receive additional compensation for authorized overtime, court time and court standby time whenever the total accumulated time exceeds forty hours. The accumulated forty hours shall be taken as compensatory time off at the officer's discretion with the approval of his supervisor.

8. The allowance of compensation or compensatory time off for court standby time shall be computed at the rate of one-third of one hour for each hour spent on court standby time.

9. The board of police commissioners may effect programs to provide additional compensation to its employees for successful completion of academic work at an accredited college or university, in amounts not to exceed ten percent of their yearly salaries or for extra training and lead officer responsibilities in amounts not to exceed three percent of their yearly salaries for field training officer responsibilities and an additional three percent of their yearly salaries for lead

officer responsibilities. The board may designate up to one hundred fifty employees as field training officers and up to fifty employees as lead officers.

10. The board of police commissioners:

(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical and disability coverage for officers and employees of the department;

(2) Shall provide or contract for insurance coverage providing salary continuation coverage for officers and employees of the police department;

(3) Shall provide health, medical, and life insurance coverage for retired officers and employees of the police department;

(4) May pay an additional shift differential compensation to members of the police force for evening and night tour of duty in amount not to exceed ten percent of the officer's base hourly rate.

11. The board of police commissioners shall pay additional compensation to members of the police force up to and including the rank of police officer for any full hour worked between the hours of 11:00 p.m. and 7:00 a.m., in amounts equal to five percent of the officer's base hourly pay.

12. The board of police commissioners, from time to time and in its discretion, may pay additional compensation to police officers, sergeants and lieutenants by paying commissioned officers in the aforesaid ranks for accumulated, unused vacation time. Any such payments shall be made in increments of not less than forty hours, and at rates equivalent to the base straight-time rates being earned by said officers at the time of payment; except that, no such officer shall be required to accept payment for accumulated unused vacation time.

**13. For each fiscal year between July 1, 2000, and June 30, 2002, the board of police commissioners may provide a salary increase for commissioned employees of years 0-8 in an amount in excess of the maximum amounts set out in the tables in subsections 2 and 3 of this section, provided that the amount actually paid pursuant to this section shall not exceed three percent of the amount set out for the appropriate category in such tables.**

**14. For each fiscal year between July 1, 2000, and June 30, 2002, the board of police commissioners may provide a salary increase for commissioned employees of years 9-30 in an amount in excess of the maximum amounts set out in the tables in subsections 2 and 3 of this section, provided that the amount actually paid pursuant to this section shall not exceed one percent of the amount set out for the appropriate category in such tables.**

**86.200. DEFINITIONS.**— [1.] The following words and phrases as used in sections 86.200 to [86.363] **86.366**, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member and credited to the member's individual account [in the members' savings fund], together with [regular] **members'** interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables **and interest assumptions** adopted by the board of trustees [and regular interest];

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(3) "Average final compensation", the average earnable compensation of the member during the member's last three years of **creditable** service as a policeman, or if the member has had less than three years of **creditable** service, then the average earnable compensation of the member's entire period of **creditable** service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) ["Benefit reserve", the present value of all payments to be made on account of any retirement allowance or benefit in lieu of a retirement allowance granted under the provisions of sections 86.200 to 86.363 upon the basis of such mortality tables as shall be adopted by the board of trustees and regular interest;

(6)] "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

[(7)] (6) "Board of trustees", the board provided in sections 86.200 to [86.363] **86.366** to administer the retirement system;

[(8)] (7) "Creditable service", prior service plus membership service as provided in sections 86.200 to [86.363] **86.366**;

[(9)] (8) "DROP", the deferred retirement option plan provided for in section 86.251;

[(10)] (9) "Earnable compensation", the [regular compensation] **annual salary** which a member would earn during one year on the basis of the [stated compensation for the] member's rank or position[; except that] **as specified in the applicable salary matrix in section 84.160, RSMo, plus additional compensation for academic work as provided in subsection 9 of section 84.160, RSMo, plus shift differential as provided in subdivision (4) of subsection 10 of section 84.160, RSMo. Such amount shall be determined without regard to the member's deferrals to a deferred compensation plan pursuant to section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to section 125 of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing,** the earnable compensation taken into account under the plan established pursuant to sections 86.200 to [86.363] **86.366** with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. If a member who is a noneligible participant is a highly compensated employee, as defined in section 414(q) of the Internal Revenue Code, and one of the ten persons paid the highest compensation by the employer for the plan year, the aggregate earnable compensation of the member's family members who are members, including only the member's spouse and lineal descendants who have not reached the age of nineteen years, shall not exceed the compensation limit of section 401(a)(17) of the Internal Revenue Code. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

(a) The last day of the plan year that includes [the] August 28, 1995; or

(b) December 31, 1995;

[(11)] (10) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

[(12)] (11) "Medical board", the board of physicians provided for in [sections 86.200 to 86.363] **section 86.237**;

[(13)] (12) "Member", a member of the retirement system as defined by sections 86.200 to [86.363] **86.366**;

[(14)] (13) "Membership service", service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case "membership service" means service as a policeman rendered since last becoming a member prior to entering such armed service;

[(15)] (14) "Plan year" or "limitation year", the twelve consecutive month period beginning each October first and ending each September thirtieth;

[(16)] (15) "Policeman" or "**police officer**", any [officer or employee of the police department of such cities employed by the board of police commissioners of such cities for police duty, and includes turnkeys, probationary patrolmen, patrolmen, corporals, sergeants, lieutenants, drill masters, captains, senior officers, and detectives, but does not include any police commissioner or anyone employed in a clerical or other capacity not involving police duties. In case of doubt as to whether any person is a policeman within the meaning of sections 86.200 to 86.363, the decision of the board of trustees shall be final] **member of the police force of such cities who holds a rank in such police force for which the annual salary is listed in section 84.160, RSMo**;

[(17)] (16) "Prior service", all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to [86.363] **86.366**;

[(18)] (17) "[Regular] **Members'** interest", interest **on accumulated contributions** at such rate as may be set from time to time by the board of trustees;

[(19)] (18) "Retirement allowance", annual payments for life as provided by sections 86.200 to [86.363] **86.366** which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon retirement;

[(20)] (19) "Retirement system", the police retirement system of the cities as defined in sections 86.200 to [86.363] **86.366**;

[(21)] (20) "[Widow] **Surviving Spouse**", [unless the provisions of subsection 2 of this section apply, effective September 29, 1981, the term "widow" means] the surviving spouse of a member who was the member's spouse at the time of the member's death.

[2. In lieu of the definition of "widow" provided in subsection 1 of this section, upon the issuance of an opinion by the Missouri supreme court which would result in the state of Missouri being obligated or required to pay any additional benefits or compensation owed by any city as a result of the change made in such definition by the general assembly, even though such benefits or compensation are formally approved or authorized by the appropriate body of any city governed by sections 86.200 to 86.363, the term "widow" means the surviving spouse of a member who

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was the member's spouse at the time of the member's retirement or at the time of the member's death if the member dies before retirement; except that, effective January 1, 1982, "widow" means the surviving spouse, whether widow or widower, of a member who was the member's spouse at the time of the member's retirement or at the time of the member's death if the member dies before retirement.]

**86.203. ESTABLISHMENT OF SYSTEM — NAME — EFFECTIVE DATE.**— In [all cities of this state that now have or may hereafter attain a population of seven hundred thousand inhabitants or more, there are] **any city not within a county, there is** hereby created and established retirement systems as alternative systems to those which have been established under the provisions of sections 86.010 to 86.193. Each such system shall be under the management of a board of trustees hereinafter described and shall be known as "The Police Retirement System of (name of city)" and by such name all of its business shall be transacted, all of its funds invested and all of its cash and securities and other property held. The retirement systems so created shall begin operation as of the first day of October, 1957.

**86.207. MEMBERS OF SYSTEM, WHO ARE.**— 1. All persons who become policemen and all policemen who enter or reenter the service of the city after the first day of October, 1957, become members as a condition of their employment and shall receive no pensions or retirement allowance from any other pension or retirement system supported wholly or in part by the city or the state of Missouri, nor shall they be required to make contributions under any other pension or retirement system of the city or the state of Missouri, anything to the contrary notwithstanding.

2. [All policemen in service on the first day of October, 1957, become members of the retirement system as of that date unless prior thereto any policeman files with the board of trustees, on a form prescribed by such board, a notice of his election not to become a member of the retirement system and a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his participation in the retirement system.

3. Any policeman whose membership is contingent on his own election and who elects not to become a member may thereafter revoke his election and become a member, but with no credit for service prior to date of revocation, unless payment is made for adjustment in contributions retroactively to October 1, 1957, with interest thereon.

4.] If any member ceases to be in service for more than one year unless [he] **the member** has **attained the age of fifty-five or has** twenty years or more of creditable service, or if [he] **the member** withdraws [his] **the member's** accumulated contributions or if [he] **the member** receives benefits under the retirement system or dies, [he] **the member** thereupon ceases to be a member; except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman. **A member who is receiving retirement benefits under the system shall be considered a retired member.**

**86.210. SERVICE CREDITABLE.**— 1. Under such rules and regulations as the board of trustees shall adopt, each member who was a policeman on and prior to the date the retirement system becomes operative and who becomes a member within one year from such date and each member who was a policeman prior to reentering the service of the city as a policeman, shall file a detailed statement of all service as a policeman rendered by [him] **the member** prior to the date the retirement system becomes operative or prior to the date of [his] last becoming a member, for which [he] **the member** claims credit. If such member has withdrawn [his] **the member's** accumulated contributions prior to reentering said service, then [he] **the member** shall repay all such accumulated contributions plus the applicable [regular] **members'** interest thereon from the date of withdrawal to the date of repayment in order to receive credit for such prior service.

2. The board of trustees shall fix and determine by proper rules and regulations how much service in any year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the board of trustees allow credit as service for any period of more than one month's duration during which the member was absent without pay.

3. Subject to the above restrictions and to such other rules and regulations as the board of trustees may adopt, the board of trustees shall verify the service claims as soon as practicable after the filing of such statement of service.

4. Upon verification of the statements of service the board of trustees shall issue prior service certificates, certifying to each member the length of prior service with which [he] **the member** is credited on the basis of [his] **such member's** statement of service. So long as the holder of such a certificate continues to be a member, a prior service certificate shall be final and conclusive for retirement purposes as to such service; provided, however, that any member may, within one year from the date of issuance or modification of such certificate, request the board of trustees to modify or correct [his] **such** prior service certificate. When any policeman ceases to be a member, [his] **the former member's** prior service certificate shall become void. Should [he] **the former member** again become a member, [he] **the former member** shall enter the retirement system as a member not entitled to prior service credit except as provided in sections 86.200 to [86.363] **86.366**.

5. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by [him] **the member** since [he] last [became] **becoming** a member and also if [he] **the member** has a prior service certificate which is in full force and effect, the amount of the service [certificate] **certified** on [his] **such** prior service certificate.

**86.213. BOARD OF TRUSTEES TO ADMINISTER — MEMBERS OF BOARD, SELECTION — TERMS.**— 1. The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of sections 86.200 to [86.363] **86.366** are hereby vested in a board of trustees of ten persons. The board shall be constituted as follows:

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(1) The president of the board of police commissioners of the city, ex officio. If the president is absent from any meeting of the board of trustees for any cause whatsoever, [he] **the president** may be represented by any member of the board of police commissioners who in such case shall have full power to act as a member of the board of trustees;

(2) The comptroller of the city, ex officio. If the comptroller is absent from any meeting of the board of trustees for any cause whatsoever, [he] **the comptroller** may be represented by either the deputy comptroller or the first assistant comptroller who in such case shall have full power to act as a member of the said board of trustees;

(3) Three members to be appointed by the mayor of the city to serve for a term of two years;

(4) Three members to be elected by the members of the retirement system of the city for a term of three years; provided, however, that the term of office of the first three members so elected shall begin immediately upon their election and one such member's term shall expire one year from the date the retirement system becomes operative, another such member's term shall expire two years from the date the retirement system becomes operative and the other such member's term shall expire three years from the date the retirement system becomes operative; provided, further, that such members shall be members of the system and hold office only while members of the system;

(5) Two members who shall be retirees of the retirement system to be elected by the retirees of the retirement system for a term of three years; except that, the term of office of the first two members so elected shall begin immediately upon their election and one such member's term shall expire two years from the date of election and the other such member's term shall expire three years from the date of election.

**2. Any member elected chairman of the board of trustees may serve a total of four years in that capacity which shall be limited to no more than two consecutive terms.**

3. Each commissioned elected trustee shall be granted travel time by the St. Louis metropolitan police department to attend any and all functions that have been authorized by the board of trustees of the police retirement system of St. Louis. Travel time for a trustee shall not exceed thirty days in any board fiscal year.

**86.217. VACANCY ON BOARD, HOW FILLED — TRUSTEES TO RECEIVE EXPENSES.**— 1. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

2. The trustees shall serve without compensation, but they shall be reimbursed [from the expense fund] for all necessary expenses which they may incur through service on the board.

**86.220. OATH OF TRUSTEES.**— Each trustee shall, within ten days after his appointment or election, take an oath of office before the clerk of circuit court of said cities, that, so far as it devolves upon [him, he] **such trustee, the trustee** will diligently and honestly administer the affairs of the said board, and [that he] will

not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the [member] **trustee** making it and certified by the said clerk of circuit court and filed in [his] **the clerk's** office.

**86.227. JURISDICTION OF BOARD — DECISIONS SUBJECT TO JUDICIAL REVIEW.**— The board of trustees has exclusive original jurisdiction in all matters relating to or affecting the funds herein provided for, including, in addition to all other matters, all claims for annuities, benefits, refunds of pensions under this law, and its action, decision or determination in any matter is reviewable under chapter 536, RSMo, only, and any party to the proceedings has a right of appeal from the decision of the reviewing court. Subject to the limitations of sections 86.200 to [86.363] **86.366**, the board of trustees shall, from time to time, establish rules and regulations for the administration of [funds] **the retirement system** created by this law, for the transaction of its business and for the limitation of the time within which claims may be filed.

**86.237. LEGAL ADVISER — MEDICAL BOARD — APPOINTMENT OF ADMINISTRATOR.**— 1. The city counselor of the said cities shall be the legal adviser of the board of trustees.

2. The board of trustees shall designate a medical board to be composed of three physicians who shall arrange for and pass upon all medical examinations required under the provisions of sections 86.200 to [86.363] **86.366**, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all the matters referred to it. **In addition, the board of trustees may appoint a fourth physician to act as an administrator of the medical board who may, with the consent of the board of trustees, select the members of the medical board and coordinate any reports to the board of trustees.**

**86.240. ACTUARY, DUTIES.**— [1.] The actuary shall be the technical adviser of board of trustees on matters regarding the operation of the [funds] **retirement system** created by sections 86.200 to [86.363] **86.366** and shall perform such other duties as are required in connection therewith.

[2. Immediately after the establishment of the retirement system the actuary shall make such investigation of the mortality, service and compensation experience of the members of the system as he shall recommend and the board of trustees shall authorize, and on the basis of such investigation he shall recommend for adoption by the board of trustees such tables and such rates as are required in section 86.243. The board of trustees shall adopt tables and certify rates of contribution to be used by the system. As soon as practicable after the establishment the actuary shall make a valuation of its assets and liabilities based upon such tables and rates of contribution as the board may adopt.]

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**86.243. REGULAR ACTUARIAL SURVEYS — ADOPTION OF MORTALITY TABLES — CERTIFICATION OF CONTRIBUTION RATES.** — [In the year 1933 and] At least once in each five-year period [thereafter] the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system and shall make a valuation of the assets and liabilities of the [funds of the] system and taking into account the results of such investigation and valuation the board of trustees shall:

- (1) Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary;
- (2) Certify the rates of contribution payable by the said cities.

**86.247. ANNUAL VALUATION OF ASSETS AND LIABILITIES.** — On the basis of such tables as the board of trustees shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the [funds of the] system created by sections 86.200 to [86.363] **86.366**.

**86.248. ASSETS OF FUND RETAINED FOR BENEFIT OF MEMBERS.** — All assets of the [fund] **retirement system**, including investment income, shall be retained for the exclusive benefit of members and their beneficiaries and shall be used to pay benefits or administrative expenses of the system and shall not revert to or inure to the benefit of any other person or entity prior to the termination of the [plan] **retirement system** established pursuant to sections 86.200 to [86.363] **86.366**, and the satisfaction of all benefit liabilities under such [plan] **retirement system**.

**86.250. MEMBERS MAY RETIRE WHEN — APPLICATION TO BOARD TO BE MADE WHEN — COMPULSORY RETIREMENT.** — Retirement of a member on a service retirement allowance shall be made by the board of trustees as follows:

- (1) Any member may retire after completing twenty or more years of **creditable** service or [obtaining] **attaining** the age of fifty-five upon [his] **the member's** written application to the board of trustees setting forth at what time, but not more than ninety days subsequent to the execution and filing [therefor he] **of the application, the member** desires to be retired.

- (2) Any member in service who has attained the age of sixty-five shall be retired forthwith provided that upon request of the board of police commissioners the board of trustees may permit such member to remain in service for periods of not to exceed one year from the date of the last request from the board of police commissioners.

**86.251. DEFERRED RETIREMENT OPTION PLAN — ELECTION — DEPOSIT OF RETIREMENT ALLOWANCE IN DROP ACCOUNT — TERMINATION OF PARTICIPATION, WHEN — FORMS OF PAYMENT — EFFECT OF PARTICIPATION — DEATH OF MEMBER, PAYMENT OF FUNDS — ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE, EFFECT — INTEREST, AMOUNT — APPROVAL BY IRS — ELECTION FOR MONTHLY SURVIVOR ANNUITY, WHEN.** — 1. The board of trustees may develop and establish a deferred retirement option plan (DROP) in which members eligible for retirement may participate. The DROP shall be

designed to allow members with at least twenty years of **creditable** service or who have attained the age of fifty-five who have achieved eligibility for retirement and are entitled to a service retirement allowance and other benefits to continue active employment and accumulate a deferred receipt of the service retirement allowance. No one shall participate in the DROP for a period exceeding five years.

2. Any member who has at least twenty years of **creditable** service or has attained the age of fifty-five may elect in writing before retirement to participate in the DROP. A member electing to participate in the DROP shall continue in active employment and shall not receive any direct retirement allowance payments or benefits during the period of participation.

3. Upon the start of the participation in the DROP, the member shall cease to make any contributions to the system. No contribution shall be required by the city into the DROP account. During the period of participation in the DROP, the amount that the member would have received as a service retirement allowance if the member had retired shall be deposited monthly in the member's DROP account which shall be established in the member's name by the board of trustees. The member's service retirement allowance shall not be adjusted for any cost-of-living increases for any period prior to the member's retirement. Cost-of-living increases, if any, for any period following the member's retirement shall be applied only to monthly service retirement payments made following retirement. Service earned during the period of participation in the DROP shall not be creditable service and shall not be counted in determination of any service retirement allowance or [widow's] **surviving spouse's** or dependents' benefits.

4. The member's [return of] contributions to the retirement system shall [continue to] be paid to the member or the member's [widow] **surviving spouse** pursuant to sections 86.253 and 86.288, within sixty days after the member's date of retirement and not the date of the conclusion of the member's participation in the DROP, unless such dates are the same.

5. A member shall cease participation in the DROP upon the earlier of the termination of the member's employment as a police officer or at the end of the five-year period commencing on the first day of the participation in the DROP. The member shall, upon the member's termination of employment, elect to receive the amount in the member's DROP account, including any accrued interest, in one of the following forms of payment:

- (a) A lump sum payment; or
- (b) Equal monthly installments over a ten-year period.

Any interest earned pursuant to this section during the installment period shall be paid as soon as reasonably possible after the final monthly installment. Either form of payment should begin within thirty days after the member's notice to the board of trustees that the member has selected a particular option.

6. A member who has elected to participate in the DROP may not reenter the system in any fashion. At the conclusion of the member's participation in the DROP by reason of the expiration of the five-year period, if the member does not terminate the member's employment as a police officer in the city for which the retirement system was established pursuant to sections 86.200 to [86.363] **86.366**, the member shall continue not to have any percentage of the member's salary

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deducted for a contribution nor shall any of the member's employment period count as creditable service.

7. If a member dies prior to termination of employment while participating in the DROP or before the member has received full withdrawal of the amount in the member's DROP account under the installment optional payment form, the funds in the member's DROP account, including any accumulated interest, shall be payable to the member's [widow] **surviving spouse**; or, if the member is then unmarried, to the member's dependent children in equal shares; or, if none, to the member's dependent mother or father; or, if none, to the member's designated beneficiary or, if no such beneficiary is then living, **to** the member's estate. Payment shall be made within sixty days after the retirement system is notified of the member's death.

8. If a member has elected to participate in the DROP and during such participation period applies for and receives benefits for an accidental disability retirement allowance pursuant to the provisions of section 86.263, the member shall forfeit all rights, claims or interest in the member's DROP account and the member's benefits shall be calculated as if the member has continued in employment and had not elected to participate in the DROP. Any [funds in] **portion of** a DROP account [which have] **that has** been forfeited as provided in this subsection shall [become funds] **be a general asset** of the system.

9. A member's DROP account shall earn interest equal to the rate of return earned by the system's investment portfolio on a market value basis, including realized and unrealized gains and losses, net of investment expense, as certified by the system's actuary. As of the first day of each year, beginning with the second fiscal year of participation, the member's DROP account balance, determined as of the first day of such year, shall be credited with interest at the investment rate earned by the [fund] **assets of the retirement system** for the prior year. If distribution of the member's DROP account balance is completed during the year, interest shall be credited, based on the beginning balance for the year, in proportion to the part of the year preceding the date of final distribution. No interest shall be credited on amounts, if any, added to the member's DROP account during the year in which the distribution of the account is completed.

10. The board of trustees shall not incur any liability individually or on behalf of other individuals for any act or omission, made in good faith in relation to the DROP or [funds of the] **assets credited to** DROP accounts.

11. The DROP established by this section is subject to approval by the Internal Revenue Service. The provisions of the Internal Revenue Code and regulations promulgated thereunder shall supersede any DROP provision if there is any inconsistency with the Internal Revenue Code or regulation.

12. Upon the receipt by the board of trustees of evidence and proof that the death of a member resulted from an event occurring while the member was in the actual performance of duty, and if the member is participating in the DROP, the member's [widow] **surviving spouse** or, if the member is then unmarried, the member's unmarried dependent children, may elect within thirty days after the member's death to have the amount in the member's DROP account paid in the form of a monthly survivor annuity. Payment of the survivor annuity shall begin within sixty days after the election is received. Payment to the member's [widow]

**surviving spouse** shall continue until the [widow's] **surviving spouse's** death; payment to the member's unmarried dependent children shall be made while any child qualifies as an unmarried dependent child pursuant to section 86.280. The survivor annuity shall be the actuarial equivalent of the member's DROP account as of the date payment begins. In no event shall the total amount paid pursuant to this subsection be less than the member's DROP account balance as of the date payment begins.

**86.252. DISTRIBUTION OF INTEREST OF MEMBER, WHEN — DISTRIBUTION PERIODS.** — Notwithstanding any provision of sections 86.200 to [86.363] **86.366**, to the contrary, the entire interest of a member shall be distributed or begin to be distributed no later than the member's required beginning date. The general required beginning date of a member's benefit is April first of the calendar year following the calendar year in which the member attains age seventy and one-half years or, if later, in which the member retires. All distributions required pursuant to this section shall be determined and made in accordance with the income tax regulations under section 401(a)(9) of the Internal Revenue Code, including the minimum distribution incidental benefit requirement of section 1.401(a)(9)-2 of the income tax regulations. As of the first distribution year, distributions, if not made in a single sum, may only be made over one of the following periods, or a combination thereof:

- (1) The life of the member;
- (2) The life of the member and a designated beneficiary;
- (3) A period certain not extending beyond the life expectancy of the member;

or

- (4) A period certain not extending beyond the joint and last survivor expectancy of the member and a designated beneficiary.

**86.253. SERVICE RETIREMENT ALLOWANCE, HOW CALCULATED — MILITARY SERVICE CREDIT — CONTRIBUTIONS REFUND, WHEN — RETIREE, SURVIVING SPOUSES, SPECIAL CONSULTANTS, WHEN, BENEFITS REDUCED, WHEN.** — 1. Upon retirement for service, a member shall receive a service retirement allowance which shall be **an amount** equal to [a fraction] **two percent** of the member's average final compensation multiplied by the number of years of the member's creditable service, [which fraction for the year of retirement is one-fiftieth] **up to twenty-five years**, plus an amount equal to four percent of the **member's** average final compensation for each [additional] year of **creditable** service [after] **in excess of** twenty-five years **but not in excess of thirty years**; plus an additional five percent **of the member's average final compensation** for any **creditable** service [after] **in excess of** thirty years[; but no]. **Notwithstanding the foregoing, the service retirement allowance of a member who does not earn any creditable service after August 11, 1999, shall not exceed an amount equal to seventy percent of the member's average final compensation, and the service retirement allowance of a member who earns creditable service on or after August 12, 1999, shall not exceed an amount equal to seventy-five percent of**

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the **member's** average final compensation [or the amount already accrued by the member as of August 1, 1979, whichever is greater].

2. If, at any time since first becoming a member of the retirement system, the member has served in the armed forces of the United States, [in any war or period of armed hostilities between the armed forces of the United States and those of a foreign power,] and has subsequently been reinstated as a policeman within ninety days after the member's discharge, the member shall be granted credit for such service as if the member's service in the police department of such city had not been interrupted by the member's induction into the armed forces of the United States. If earnable compensation is needed for such period in computation of benefits it shall be calculated on the basis of the compensation payable to the officers of the member's rank during the period of the member's absence. **Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, the retirement system governed by sections 86.200 to 86.366 shall be operated and administered in accordance with the applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1984, as amended.**

3. The service retirement allowance of each present and future retired member who retired from service after attaining age fifty-five or after completing twenty years of **creditable** service shall be increased annually at a rate not to exceed three percent as approved by the board of trustees beginning with the first increase in the second October following the member's retirement and subsequent increases in each October thereafter, provided that each increase is subject to a determination by the board of trustees that the consumer price index (United States City Average Index) as published by the United States Department of Labor shows an increase of not less than the approved rate during the latest twelve-month period for which the index is available at the date of determination; and provided further, that if the increase is in excess of the approved rate for any year, such excess shall be accumulated as to any retired member and increases may be granted in subsequent years subject to a maximum of three percent for each full year from October following the member's retirement but not to exceed a total percentage increase of thirty percent. In no event shall the increase described under this subsection be applied to the amount, if any, paid to a member or [widow] **surviving spouse** of a deceased member for services as a special consultant under subsection 5 of this section or, if applicable, subsection 6 of this section. If the board of trustees determines that the index has decreased for any year, the benefits of any retired member that have been increased shall be decreased but not below the member's initial benefit. No annual increase shall be made of less than one percent and no decrease of less than three percent except that any decrease may be limited in amount by the initial benefit. [Any annuity or retirement allowance paid to a member under this subsection shall be withdrawn from the police retirement system and no moneys shall be withdrawn from the general revenue fund of any city governed by sections 86.200 to 86.363.]

4. In addition to any other [annuity or] retirement allowance payable under this section and section 86.250, a member, upon **service** retirement, shall be repaid the total amount of the member's contribution to the retirement system, without interest. The board shall pay the retired member such total amount of the member's

contribution to the retirement system within sixty days after such retired member's date of retirement. [Any annuity or retirement allowance repaid to a member under this subsection shall be withdrawn from the police retirement system and no moneys shall be withdrawn from the general revenue fund of any city governed by sections 86.200 to 86.363.]

5. Any person who is receiving retirement benefits from the retirement system, upon application to the board of trustees, shall be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters, for the remainder of the person's life **or, in the case of a deceased member's surviving spouse, until the earlier of the person's death or remarriage**, and upon request of the board of trustees shall give opinions and be available to give opinions in writing or orally, in response to such requests, as may be required. For such services [he or she] **the special consultant** shall be compensated monthly, in an amount which, when added to any monthly retirement benefits being received from the retirement system, [shall, unless the provisions of subsection 6 of this section apply,] **including any cost-of-living increases under subsection 3 of this section, shall** total six hundred fifty dollars a month[; except that a surviving spouse of a deceased member who is employed as a special consultant shall, unless the provisions of subsection 6 of this section apply, receive compensation for the person's services as a special consultant of not less than six hundred fifty dollars a month. This compensation shall be paid by the retirement system from funds of the retirement system, and]. This employment shall in no way affect any person's eligibility for retirement benefits under this chapter, or in any way have the effect of reducing retirement benefits, notwithstanding any provisions of law to the contrary.

[6. The compensation granted retirees and surviving spouses of deceased members under subsection 5 of this section shall be decreased by one hundred fifty dollars per month upon the issuance of an opinion by the Missouri supreme court which would result in the state of Missouri being obligated or required to pay such additional one hundred fifty dollars per month even though such additional compensation is formally approved or authorized by the appropriate body of any city governed by sections 86.200 to 86.363.]

**86.254. SPECIAL ADVISORS, QUALIFICATIONS, DUTIES, COMPENSATION — EFFECTIVE, WHEN — SURVIVING SPOUSES AS ADVISORS, WHEN, COMPENSATION.**

— 1. Beginning July 1, 1994, in addition to any other annuity, benefits, or retirement allowance provided pursuant to sections 86.200 to [86.363] **86.366**, each present and future retired member after attaining the age of sixty years shall, upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as an advisor on the problems of retirement, aging and other matters, for the remainder of the retired member's life, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required.

2. For the performance of duties required in subsection 1 of this section, each retired member employed as an advisor by the board of trustees shall be compensated monthly in an amount of ten dollars per month multiplied by the

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number of years the retired member is past the age of sixty years. The compensation provided by this subsection shall be adjusted annually. No funding shall be required prior to the effective date of this benefit.

3. Beginning October 1, 1999, in addition to any other benefit provided to any [widow] **surviving spouse** pursuant to sections 86.200 to [86.363] **86.366**, each present and future [widow] **surviving spouse** of a member after attaining the age of sixty years shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as an advisor on the problems of retirement, aging and other matters for the remainder of the [widow's] **surviving spouse's life or until the surviving spouse remarries, whichever is earlier**, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required.

4. For the performance of duties required in subsection 3 of this section, each [widow] **surviving spouse** of a member employed as an advisor by the board of trustees shall be compensated monthly in an amount of ten dollars per month multiplied by the number of years the [widow] **surviving spouse** is past the age of sixty years. The compensation provided by this subsection shall be adjusted annually.

**86.255. ELIGIBLE ROLLOVER DISTRIBUTION PAYABLE, ELECTION TO PAY DIRECTLY TO PLAN — DEFINITIONS — WRITTEN EXPLANATION REQUIRED BY BOARD, WHEN — DISTRIBUTION MADE, WHEN.** — 1. Notwithstanding any other provision of the plan established in sections 86.200 to [86.363] **86.366**, if an eligible rollover distribution becomes payable to a distributee, the distributee may elect, at the time and in the manner prescribed by the board of trustees, to have any of the eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

2. For purposes of this section, the following terms mean:

(1) "Direct rollover", a payment by the board of trustees from the fund to the eligible retirement plan specified by the distributee;

(2) "Distributee", a member, a [widow] **surviving spouse** or a spouse;

(3) "Eligible retirement plan", an individual retirement account described in section 408(a) of the Internal Revenue Code, an individual retirement annuity described in section 408(b) of the Internal Revenue Code, or a qualified trust described in section 401(a) of the Internal Revenue Code that accepts the distributee's eligible rollover distribution;

(4) "Eligible rollover distribution", any distribution of all or any portion of a member's benefit, other than:

(a) A distribution that is one of a series of substantially equal periodic payments, made not less frequently than annually, for the life or life expectancy of the distributee or for the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more;

(b) The portion of a distribution that is required under section 401(a)(9) of the Internal Revenue Code; or

(c) The portion of any distribution that is not includable in gross income.

3. The board of trustees shall, at least thirty days, but not more than ninety days, before making an eligible rollover distribution, provide a written explanation to the distributee in accordance with the requirements of section 402(f) of the Internal Revenue Code.

4. If the eligible rollover distribution is not subject to sections 401(a) and 417 of the Internal Revenue Code, such eligible rollover distribution may be made less than thirty days after the distributee has received the notice described in **subsection 3 of this section** [86.252], provided that:

(1) The board of trustees clearly informs the distributee of the distributee's right to consider whether to elect a direct rollover, and if applicable, a particular distribution option, for at least thirty days after the distributee receives the notice; and

(2) The distributee, after receiving the notice, affirmatively elects a distribution.

**86.256. ANNUAL BENEFIT NOT TO EXCEED CERTAIN AMOUNT — ANNUAL ADDITIONS NOT TO EXCEED CERTAIN AMOUNT — COMBINED PLAN LIMITATION NOT TO BE EXCEEDED — INCORPORATION BY REFERENCE OF INTERNAL REVENUE CODE.** — 1. In no event shall a member's annual benefit paid under the plan established pursuant to sections 86.200 to [86.363] **86.366**, exceed the amount specified in Section 415(b) of the Internal Revenue Code, as adjusted for any applicable increases in the cost of living, as in effect on the last day of the plan year, including any increases after the member's termination of employment.

2. In no event shall the annual additions to the plan established pursuant to sections 86.200 to [86.363] **86.366**, on behalf of the member, including the member's own contributions, exceed the lesser of:

(1) Twenty-five percent of the member's compensation, as defined for purposes of Section 415(c) of the Internal Revenue Code; or

(2) Thirty thousand dollars, as adjusted for increases in the cost of living.

3. Effective for limitation years beginning prior to January 1, 2000, in no event shall the combined plan limitation of Section 415(e) of the Internal Revenue Code be exceeded; provided that, if necessary to avoid exceeding such limitation, the member's annual benefit under the plan established pursuant to sections 86.200 to [86.363] **86.366**, shall be reduced to the extent necessary to satisfy such limitations.

4. For purposes of this section, Section 415 of the Internal Revenue Code, including the special rules under Section 415(b) applicable to governmental plans and qualified participants in police and fire department plans, is incorporated in this section by reference.

**86.257. DISABILITY RETIREMENT ALLOWANCE GRANTED, WHEN.** — Upon the application of a member in service or of the board of police commissioners, any member who has had ten or more years of creditable service shall be retired by the board of trustees, [not less than thirty and] not more than ninety days next following the date of filing such application on an ordinary disability retirement allowance; provided, that the medical board after a medical examination of such

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member shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent and that such member should be retired.

**86.260. DISABILITY ALLOWANCE, HOW CALCULATED — MEMBERS AS SPECIAL CONSULTANTS, WHEN — BENEFITS FOR CHILDREN.** — 1. Upon retirement for ordinary disability a member shall receive a service retirement allowance if the member has attained the age of fifty-five or completed twenty years of **creditable** service; otherwise the member shall receive an ordinary disability retirement allowance which shall be equal to ninety percent of the member's accrued service retirement in section 86.253, but not less than one-fourth of the member's average final compensation; provided, however, that no such allowance shall exceed ninety percent of the member's accrued service retirement benefit based on continuation of the member's **creditable** service to the age set out in section 86.250.

2. Effective October 1, 1999, the ordinary disability retirement allowance will be increased by fifteen percent of the member's average final compensation for each unmarried dependent child of the disabled member who is under the age of eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in gainful occupation sufficient to support himself or herself, but not in excess of a total of three children; provided, however, that the combined benefit shall not exceed seventy percent of such average final compensation.

3. Any member receiving benefits pursuant to the provisions of this section immediately prior to October 1, 1999, shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the member is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children.

4. Any benefit payable to or for the benefit of a child or children under the age of eighteen years pursuant to the provisions of subsections 2 and 3 of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years in those cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

**5. No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a**

**patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen.**

**86.263. SERVICE-CONNECTED ACCIDENTAL DISABILITY RETIREMENT. —**

Upon application by the member or the board of police commissioners any member who has become totally and permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty [at some definite time and place] through no negligence on [his] **the member's** part, and if such accident occurred not more than five years prior to date of application unless the accident was reported and an examination made of the member by the medical staff of the board of police commissioners within five years of the date of the accident with subsequent examinations made as requested, shall be retired by the board of trustees provided that the medical board shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that such member should be retired; provided that if the accident occurred prior to the age and year set out in section 86.250, application for benefits must be made before such [date] **age and year** except that the interval between date of accident and of application may be [at least] six months.

**86.267. SERVICE-CONNECTED DISABILITY RETIREMENT ALLOWANCE CALCULATED, HOW — APPOINTMENT AS SPECIAL CONSULTANT, AMOUNT TO BE PAID, DUTIES. —** 1. Upon retirement for accidental disability, other than permanent total disability as defined in subsection 2, a member shall receive a retirement allowance of seventy-five percent of the member's average final compensation.

2. Any member who, as the natural and proximate result of an accident occurring in the actual performance of the member's duty [at some definite time and place] through no negligence on the member's part, is permanently and totally incapacitated from performing any work, occupation or vocation of any kind whatsoever shall receive a retirement allowance as under subsection 1 or, in the discretion of the board of trustees, may receive a larger retirement allowance in an amount not exceeding the member's rate of compensation as a policeman in effect as of the date the allowance begins.

3. The board of trustees, in its discretion, may, in addition to the allowance granted in accordance with the provisions of subsections 1 and 2, grant an allowance in an amount to be determined by the board of trustees, to provide such member with surgical, medical and hospital care reasonably required after retirement, which are the result and in consequence of the accident causing such disability.

4. Any person who is receiving benefits pursuant to subsection 2 of this section on or after August 28, 1997, upon application to the board of trustees, shall be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters, and upon request of the board of trustees shall give opinions and be available to give opinions in writing or orally, in response to such requests, as may be required. For such

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services the retired member shall be paid a lump sum payment in an amount equal to the total amount of [his] **the member's** contributions to the retirement system, without interest, within sixty days after approval of the retired member's application by the board of trustees. [Any annuity or retirement allowance paid to a retired member pursuant to this section shall be withdrawn from the police retirement system and no moneys shall be withdrawn from the general revenue fund of any city governed by sections 86.200 to 86.363.]

**86.270. EXAMINATION OF APPLICANTS FOR DISABILITY BENEFITS — REEXAMINATION OF MEMBERS RETIRED ON DISABILITY.** — [Once each year during the first five years following the retirement of a member on a disability retirement allowance and once in every three-year period thereafter, the board of trustees may, and upon his application shall, require any disability beneficiary to undergo a medical examination, such examination to be made] **The board of trustees shall require each member who applies for disability benefits to undergo a medical examination** at a place designated by the medical board[.]. The examination [to] **shall** be made by the medical board or by a physician or physicians designated by such board. **Once each year during the first five years following the retirement of a member on a disability retirement allowance and once in every three-year period after that, the board of trustees may require any disabled member to undergo a medical examination.** Should any [disability beneficiary] **disabled member** refuse to submit to such medical examination, [his] **such member's disability** allowance may be discontinued until [his] **the** withdrawal of such refusal and should [his] **the** refusal continue for one year all rights in and to [his pension] **the member's disability allowance** may be revoked by the board of trustees.

**86.277. DISABILITY ALLOWANCE CEASES ON RETURN TO SERVICE — STATUS AS MEMBER.** — Should a [disability beneficiary] **disabled member** be restored to active service [his retirement], **such member's disability** allowance shall cease[, he]. **The disabled member** shall again become a member and [he] shall contribute thereafter at the same rate [he paid] **in effect** prior to disability. Any prior service certificate on the basis of which [his] **the member's** service was computed at the time of [his] retirement shall be restored to full force and effect and in addition upon [his] **the member's** subsequent retirement [he], **the member** shall be credited with all [his] service as a member, and if [his] **the member's** then average final compensation is less than the average final compensation used in determining [his] **the member's** disability [benefits] **allowance**, the latter amount shall be used in determining benefits.

**86.280. DEATH BENEFIT — DEPENDENTS' ALLOWANCES.** — Upon the receipt of proper proofs of the death of a member in service and provided no other benefits are payable **under the retirement system**, there shall be paid the following benefits:

(1) Effective October 1, 1999, a pension to the [widow during the person's widowhood] **surviving spouse until the surviving spouse dies or remarries,**

**whichever is earlier**, of forty percent of the deceased member's average final compensation plus fifteen percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in gainful occupation sufficient to support himself or herself, but not in excess of a total of three children;

(2) Any [widow] **surviving spouse** or unmarried dependent child receiving benefits pursuant to the provisions of this section immediately prior to October 1, 1999, shall, upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the [widow] **surviving spouse** or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, the [widow] **surviving spouse** shall receive additional monthly compensation in an amount equal to fifteen percent of the deceased member's [final] average **final** compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children. The additional monthly compensation payable to a [widow] **surviving spouse** pursuant to this subdivision shall be adjusted for any cost-of-living increases that apply, pursuant to subdivision (8) of **this** section [86.283], to the benefit the [widow] **surviving spouse** was receiving prior to October 1, 1999;

(3) If no [widow] **surviving spouse** benefits are payable pursuant to subdivisions (1) and (2) of this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of this section had there been a [widow] **surviving spouse** shall be divided among the unmarried dependent children under age eighteen and such unmarried dependent children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the [widow's] **surviving spouse's** benefit shall be paid for one child;

(4) If there is no [widow] **surviving spouse** or dependent children, the return of accumulated contributions to the designated beneficiary **as set forth in section 86.293**;

(5) No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

(6) Wherever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the [widow] **surviving spouse** of the deceased member, such benefits may be paid to such [widow] **surviving spouse** for the child;

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(7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years if the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university;

**(8) The benefits payable pursuant to this section to the surviving spouse of a member who died in service after attaining the age of fifty-five or completing twenty years of creditable service shall be increased in the same percentages and pursuant to the same method as is provided in section 86.253 for adjustments in the service retirement allowance of a retired member.**

**86.283. DEATH BENEFITS OF RETIRED MEMBER — DEPENDENTS'**

**ALLOWANCES — COST-OF-LIVING ADJUSTMENT.**— Upon receipt of proper proofs of the death of a retired member who retired while in service, including retirement for service, ordinary disability or accidental disability, and provided no other benefits are payable **from the retirement system**, there shall be paid the following benefits:

(1) Effective October 1, 1999, a pension to the [widow during the person's widowhood] **surviving spouse until the surviving spouse dies or remarries, whichever is earlier**, of forty percent of the deceased member's average final compensation plus fifteen percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support himself or herself, but not in excess of three children;

(2) Any [widow] **surviving spouse** or unmarried dependent child receiving benefits pursuant to this section immediately prior to October 1, 1999, shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the [widow] **surviving spouse** or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, a [widow] **surviving spouse** shall receive additional monthly compensation equal to the amount which when added to the benefits the [widow] **surviving spouse** was receiving pursuant to this section prior to October 1, 1999, determined without regard to any increase applied to such benefits prior to October 1, 1999, pursuant to subdivision (8) of this section, will increase the [widow's] **surviving spouse's** total monthly payment pursuant to this section to forty percent of the deceased member's [final] average **final** compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent

child of the member, but not in excess of a total of three children. The additional monthly compensation payable to a [widow] **surviving spouse** pursuant to this subdivision shall be adjusted for any cost-of-living increases that apply to the benefit the [widow] **surviving spouse** was receiving prior to October 1, 1999;

(3) If no [widow] **surviving spouse** benefits are payable pursuant to subdivisions (1) and (2) of this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of this section had there been a [widow] **surviving spouse**, determined without regard to any increase which would have applied to the [widow's] **surviving spouse's** benefits pursuant to subdivision (8) of this section, shall be divided among the unmarried dependent children under age eighteen and unmarried dependent children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the [widow's] **surviving spouse's** benefits shall be paid for one child;

(4) No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

(5) Whenever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the [widow] **surviving spouse** of the deceased member, such benefits may be paid to such [widow] **surviving spouse** for the child;

(6) In the event of the death of a retired member receiving accidental disability benefits before such benefits have been paid for five years, the member's [widow during the person's widowhood] **surviving spouse until the surviving spouse dies or remarries, whichever is earlier**, shall receive an additional pension of ten percent of the deceased member's final average compensation;

(7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years if the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university;

(8) The benefits payable pursuant to this section to the [widow] **surviving spouse** of a retired member who received or was entitled to receive a service retirement allowance [or the widow of a member who died in service after attaining the age of fifty-five or completing twenty years of service] shall be increased in the same percentages and pursuant to the same method as is provided in section 86.253 for adjustments in the service retirement allowance of a retired member.

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**86.287. ACCIDENTAL DEATH BENEFIT — DEPENDENTS' ALLOWANCES. —**

Upon the receipt by the board of trustees of evidence and proof that the death of a member was the natural and proximate result of an accident occurring at some definite time and place while the member was in the actual performance of duty and not caused by negligence on the part of the member, there shall be paid in lieu of [all other] **the** benefits [the following benefits] **pursuant to sections 86.280 to 86.283:**

(1) Effective October 1, 1999, a pension to the [widow during the person's widowhood] **surviving spouse until the surviving spouse dies or remarries, whichever is earlier**, of seventy-five percent of the deceased member's average final compensation plus fifteen percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently disabled and incapacitated from engaging in a gainful occupation sufficient to support himself or herself, but not in excess of three children;

(2) Any [widow] **surviving spouse** or unmarried dependent child receiving benefits pursuant to this section immediately prior to October 1, 1999, shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the [widow] **surviving spouse** or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, a [widow] **surviving spouse** shall receive additional monthly compensation equal to the amount which when added to the benefits the [widow] **surviving spouse** was receiving pursuant to this section prior to October 1, 1999, will increase the [widow's] **surviving spouse's** total monthly benefit payment pursuant to this section to seventy-five percent of the deceased member's average final compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children;

(3) If no [widow] **surviving spouse** benefits are payable pursuant to subdivisions (1) and (2) of this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of this section had there been a [widow] **surviving spouse**, shall be divided among the unmarried dependent children under age eighteen and such unmarried dependent children, regardless of age, who are totally and permanently disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the [widow's] **surviving spouse's** benefit shall be paid for one child;

(4) If there is no [widow] **surviving spouse** or unmarried dependent children of either class mentioned in subdivision (3) of this section, then an amount equal to

the [widow's] **surviving spouse's** benefit shall be paid to the member's dependent father or dependent mother to continue until remarriage or death;

(5) No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

(6) Wherever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the [widow] **surviving spouse** of the deceased member, such benefits may be paid to such [widow] **surviving spouse** for the child;

(7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years in those cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

**86.288. CONTRIBUTIONS PAID TO SURVIVING SPOUSES, WHEN.** — [1. Unless the provisions of subsection 2 of this section apply,] In addition to any other benefits payable, notwithstanding any provisions of sections 86.280 and 86.287 to the contrary, if a member dies while commissioned as a peace officer, or after retiring and before receiving a refund of [his] **the member's** contributions in accordance with section 86.253 or 86.290, or while receiving a disability retirement allowance in accordance with section 86.253 or 86.257, the total amount of the member's contribution to the retirement system shall be paid without interest to the [widow] **surviving spouse** of such member. Payment pursuant to this subsection shall be made within sixty days after the later of the date proper proofs of death are provided or August 28, 1994, regardless of when the member died or retired, provided that the [widow] **surviving spouse** shall be alive on the date that payment is made. [The amount shall be withdrawn from the retirement system and none of the amount shall be withdrawn from the general revenue fund of any city of seven hundred thousand or more inhabitants.

2. Upon the issuance of an opinion by the Missouri supreme court which would result in the state of Missouri being obligated or required to pay any additional benefits or compensation resulting from the general assembly's amendment of subsection 1 of this section, even though such additional benefits or compensation are formally approved or authorized by the appropriate body of any city governed by sections 86.200 to 86.363, subsection 1 of this section shall terminate and subsection 3 of this section shall become effective.

3. Upon the application of the provisions of subsection 2 of this section, in addition to any other benefits payable, notwithstanding any provisions of sections 86.280 and 86.287 to the contrary, there shall be paid to the widow of a member with twenty or more years of service who dies on or after January 1, 1982, and

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while commissioned as a policeman the total amount of the member's contribution to the retirement system, without interest, within sixty days after proper proofs of death are provided. The amount shall be withdrawn from the retirement system and none of the amount shall be withdrawn from the general revenue fund of any city of seven hundred thousand or more inhabitants.]

**86.290. ACCUMULATED CONTRIBUTIONS REFUNDED, WHEN.** — Should a member cease to be a policeman except by death or retirement, [he shall be paid on demand] **the member may request payment of** the amount of [his] **the** accumulated contributions standing to the credit of [his] **the member's** individual account [in the members' savings fund, provided that if such a member has less than twenty years of creditable service his accumulated contributions], **including members' interest, in which event such amount** shall be paid to [him] **the member** not later than one year after [he] **the member** ceases to be a policeman. [If the board of trustees is unable to refund the contributions of a member or to commence payment of benefits within five years after such refund or benefits are otherwise first due and payable, the board may transfer the accumulated contributions to the benefit reserve fund. If, thereafter, proper application is made for refund or benefits, the board will allow them and make payment from the benefit reserve fund but no credit will be allowed for interest after the date his refund or benefits were first due and payable.] **If the former member is reemployed as a policeman before any portion of such former member's accumulated contributions is distributed, no distribution shall be made. If the former member is reemployed as a policeman after a portion of the former member's accumulated contributions is distributed, the amount remaining shall also be distributed.**

**86.292. ACCUMULATED CONTRIBUTIONS TO REMAIN SYSTEM ASSETS, WHEN.** — **If the board of trustees is unable to refund the contributions of a member or to commence payment of benefits within five years after such refund or benefits are otherwise first due and payable, the accumulated contributions shall remain assets of the retirement system. If proper application is thereafter made for refund or benefits, the board shall make payment, but no credit shall be allowed for any interest after the date the refund or benefits were first due and payable.**

**86.293. DISPOSITION OF DIFFERENCE BETWEEN BENEFITS PAID AND ACCUMULATED CONTRIBUTIONS.** — If there are no further benefits otherwise payable under sections 86.200 to [86.363] **86.366** and the total amount of benefits paid to date is less than **an** amount equal to the accumulated contributions of the member at [his] death or [at his] retirement, whichever occurred first, the difference shall be paid to the beneficiary named to receive such amount or if no such beneficiary is living, to the beneficiary or the estate of the beneficiary last entitled to benefits.

**86.297. WORKERS' COMPENSATION OR OTHER BENEFITS OFFSET AGAINST ALLOWANCES.**— Any amounts which may be paid or payable by the said cities under the provisions of any workers' compensation or similar law to a member or to the dependents of a member on account of any **temporary total disability, permanent total** disability or death shall be offset against and payable in lieu of any **periodic** benefits payable out of [funds provided by the said cities under the provisions of sections 86.200 to 86.363] **the retirement system** on account of the same disability or death. In case the present value of the total commuted benefits under said workers' compensation or similar law is less than the [pension reserve on] **actuarial equivalent** of the benefits otherwise payable from [funds provided by the said cities under sections 86.200 to 86.363] **the retirement system**, then the present value of the commuted payments shall be deducted from the [pension reserve] **actuarial equivalent of the benefits** and such benefits as may be provided by the [pension reserve] **retirement system** so reduced [shall be payable under the provisions of sections 86.200 to 86.363].

**86.300. TRUSTEES TO MANAGE FUNDS.**— The board of trustees shall be the trustees of the [several funds] **assets of the retirement system** created by sections 86.200 to [86.363] **86.366** as provided in section 86.317 and shall have full power to invest and reinvest such [funds] **assets**, subject to all the terms, conditions, limitations and restrictions imposed by law upon life or casualty insurance companies in the state of Missouri in making and disposing of their investments; and subject to like terms, conditions, limitations and restrictions said trustees shall have full power to hold, purchase, sell, assign, transfer or dispose of any of the securities and investments in which any of the [funds created herein] **assets** shall have been invested, as well as of the proceeds of said investments and any moneys belonging to [said funds] **the retirement system**.

**86.303. INTEREST ON MEMBERS' ACCOUNTS.**— The [board of trustees annually shall allow regular interest on the mean amount for the preceding year in each of the funds with the exception of the expense fund. The amount so allowed shall be due and payable to said funds and shall be annually credited thereto by the board of trustees from interest and other earnings on the moneys and other assets of the retirement system. From the regular interest allocated to the members' savings fund, the] board of trustees shall annually credit each member's individual account with interest on the largest balance remaining in each account for the entire year and at the **members' interest** rate determined by the board.

**86.307. TREASURER, CUSTODIAN OF ASSETS — PAYMENTS FROM, MADE HOW.**— The treasurer of the [said] cities shall be the custodian of the [several funds. All payments from said funds shall be made by him] **assets of the retirement system. The treasurer shall make payments from such assets** only upon vouchers signed by two persons designated by the board of trustees. A duly attested copy of the resolution of the board of trustees designating such persons and bearing on its face specimen signatures of such persons shall be filed with the treasurer as [his] authority for making payments upon such vouchers. No voucher

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shall be drawn unless it shall previously have been allowed by resolution of the board of trustees.

**86.310. TEN PERCENT MAY BE KEPT IN CASH — MAXIMUM PER DEPOSITORY.**

— For the purpose of meeting disbursements for benefits and other payments there may be kept available cash not exceeding ten percent of the total [amount in the several funds] **assets** of the retirement system on deposit in one or more banks or trust companies in said cities, organized under the laws of the state of Missouri, or of the United States; provided, that the amount on deposit in any one bank or trust company shall not exceed twenty-five percent of the paid up capital and surplus of such bank or trust company.

**86.313. TRUSTEES AND EMPLOYEES NOT TO HAVE DIRECT INTEREST IN INVESTMENTS.** — Except as herein provided, no trustee and no employee of the board shall have any direct interest in the gains or profits of any investment made by the board of trustees, nor [as such] receive any pay or emolument for [his] **any** services **rendered as a trustee or employee**. No trustee or employee of the board of trustees shall directly or indirectly [for himself or as an agent] in any manner use the assets of the retirement system except to make such current and necessary payments as are authorized by the board of trustees, nor shall any trustee or employee of the board become an endorser or surety or become in any manner an obligor for moneys loaned by or borrowed from the board of trustees.

**[86.317. ASSETS CREDITED TO FOUR FUNDS, HOW DESIGNATED.** — All the assets of the retirement system shall be credited according to the purpose for which they are held to one of four funds; namely, the members' savings fund, the benefit reserve fund, the general reserve fund, and the expense fund.]

**86.320. CONTRIBUTIONS, RATE OF — DEDUCTION FROM COMPENSATION.** —

1. [The members' savings fund shall be the fund in which shall be accumulated contributions at the rate of seven percent of the compensation of the members.

2.] The board of trustees shall certify to the board of police commissioners and the board of police commissioners shall cause to be deducted from the salary of each member on each and every payroll for each and every pay period, seven percent of the compensation of each member not participating in the DROP and zero percent of the compensation of each member participating in the DROP or after the conclusion of the member's participation in the DROP if the officer does not retire at that time.

[3.] **2.** The deductions provided for in this section shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent to the deductions made and provided for in this section, and shall receipt for the member's full salary or compensation and payment of salary or compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 86.200 to [86.363] **86.366**. The

board of police commissioners shall certify to the board of trustees on each and every payroll or in such other manner as the board of trustees shall prescribe the amount deducted, and such amounts shall be paid into [such members' savings fund] **the system** and shall be credited together with [regular] **members'** interest thereon to the individual account of the member from whose compensation such deduction was made.

[4.] **3.** The board of trustees is authorized to grant additional benefits for such parts of contributions as were made prior to the adoption of the seven percent rate for all members which were in excess of the compulsory contributions required of each member.

**[86.323. BENEFIT RESERVE FUND DEFINED, HOW USED.** — The benefit reserve fund shall be the fund from which shall be paid all benefits except such benefits as involve only the refund of the members' contributions at time of withdrawal in which case the refund shall be made direct from the members' savings fund. There shall be transferred to this fund at time of approval of payment of benefits to any member or beneficiary, the accumulated contributions of such member from the members' savings fund and such additional amount from the general reserve fund as is calculated by the actuary to be necessary with the member's contributions to provide the payment of all benefits arising from the service of such member. Upon the completion of the first valuation after the creation of this fund, there shall be transferred to it from the annuity reserve fund, the pension reserve fund and the pension accumulation fund such amounts as are certified by the actuary on the basis of the tables then in use for all beneficiaries receiving benefits.]

**[86.327. GENERAL RESERVE FUND DEFINED.** — 1. The general reserve fund shall be the fund in which shall be accumulated all reserves for benefits not provided by members' contributions, and which are provided by contributions made by the cities.

2. Contributions to and payments from the general reserve fund shall be as follows: On account of each member there shall be paid annually into the fund by the said cities an amount equal to a certain percentage of the earnable compensation of the member to be known as "the normal contribution" and an additional amount equal to a percentage of his earnable compensation to be known as "the accrued liability contribution". The rates percent of such contributions shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuations.]

**86.330. NORMAL RATE OF CONTRIBUTION, HOW DETERMINED.** — [On the basis of regular interest and of such mortality and other tables as shall be adopted by the board of trustees,] **After each annual valuation**, the actuary engaged by the board to make [each] **the** valuation required by sections 86.200 to [86.363 during the period over which the accrued liability contribution is payable, immediately after making such valuation] **86.366**, shall determine the [uniform and constant percentage of the earnable compensation of the average new entrant, which, if contributed throughout his entire period of active service, would be sufficient to provide for the payment of any death benefit or pension payable on his account.

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The rate percent so determined shall be known as "the normal contribution rate". After the accrued liability contribution has ceased to be payable the] normal contribution rate. **The normal contribution rate** shall be the rate percent of the earnable compensation of all members obtained by deducting from the total liabilities of the [fund] **retirement system** the amount of the [funds] **assets** in hand to the credit of the [fund] **retirement system and the present value of expected future member contributions** and dividing the remainder by one percent of the present value of the prospective future compensation of all members as computed on the basis of mortality and service tables **and interest assumptions** adopted by the board of trustees [and regular interest. The normal rate of contribution shall be determined by the actuary after each valuation].

**86.337. AMOUNT PAYABLE TO GENERAL RESERVE FUND — CITY'S CONTRIBUTION.** — The total amount payable [in each year] to the [general reserve fund] **retirement system for each fiscal year** shall be not less than the [sum of the rates percent known as the] normal contribution rate [and the accrued liability contribution rate] of the total compensation earnable by all members during the year; provided, however, that the aggregate payment by the said cities shall be sufficient when combined with the [amount in the fund] **assets of the retirement system** to provide the pensions and other benefits payable [out of the fund] during the then current year. [The city may contribute at any time from bond issue or other available funds an amount equal to the unfunded accrued liability as certified by the actuary in which event no further accrued liability contribution will be required or any lesser amount which will be used to proportionately reduce future accrued liability contributions.]

**86.340. ACCRUED LIABILITY CONTRIBUTION DISCONTINUED, WHEN.** — The accrued liability contribution should be discontinued as soon as the accumulated reserve in the general reserve fund shall equal the present value, as actuarially computed and approved by the board of trustees, of the total liability of said fund, less the present value, computed on the basis of the normal contribution rate then in force, of the prospective normal contributions to be received on account of persons who are at that time members. [The accrued liability contribution rate may be decreased by the board of trustees provided the reduced level rate does not require an amortization period extending beyond 2015.]

**86.343. ANNUAL EXPENSES — CITY, BOARD EACH PROVIDE ONE-HALF — BOARD, DUTIES.** — 1. The [expense fund shall be the fund to which shall be credited all money provided to pay the administration and operation expenses of the retirement system, except the] costs of special personal service, financial advisers, special consultants, and office supplies and equipment [the full cost of which] shall be borne by the board of trustees.

2. Annually the board of trustees shall estimate the amount of money necessary [to be paid into the expense fund during the ensuing year] to provide for the expense of the administration and operation of the retirement system **for the ensuing year**, excluding those items the cost of which the board is to bear pursuant

to subsection 1. Fifty percent of the estimate shall be provided by the city and the remaining fifty percent shall be provided by the board of trustees from interest and other earnings on assets.

3. Annually, the board of trustees shall estimate the amount of money necessary to be paid into a board of trustees account during the ensuing year to provide for the expenses of the retirement system for the cost of special personal service, financial advisers, special consultants, and office supplies and equipment.

**86.344. CERTIFICATION OF AMOUNTS DUE AND PAYABLE, WHEN, TO WHOM — CITY, TO APPROPRIATE FUNDS, WHEN.** — On or before the first day of March of each year the board of trustees shall certify to the board of estimate and apportionment of the city the amounts which will become due and payable during the year next following [to the general reserve fund and the expense fund] **for expenses pursuant to subsection 2 of section 86.343 and the cost of benefits as determined pursuant to section 86.337.** The amounts so certified shall be appropriated by the city and transferred to the retirement system in equal payments in the first six months of the ensuing year.

**86.350. CITY OBLIGATED TO PAY COST OF BENEFITS AND ONE-HALF OF EXPENSES.** — The [creation and maintenance of reserves in the general reserve fund and the maintenance of benefit reserves as provided for and the] payment of **the cost of providing** all benefits granted under the provisions of sections 86.200 to [86.363] **86.366, as determined pursuant to section 86.337, and the payment of** fifty percent of all expenses **described in subsection 2 of section 86.343 incurred** in connection with the administration and operation of the retirement system are hereby made obligations of the [said] cities.

**86.353. BENEFITS EXEMPT FROM TAXES AND EXECUTION — NOT ASSIGNABLE, EXCEPTION, CHILD SUPPORT OR MAINTENANCE.** — The right of any person to a benefit, any other right accrued or accruing to any person under the provisions of sections 86.200 to [86.363] **86.366** and the moneys [in the various funds] created [under] **pursuant to** sections 86.200 to [86.363] **86.366** are exempt from any tax of the state of Missouri and are not subject to execution, garnishment, attachment or any other process whatsoever and are unassignable except as in sections 86.200 to [86.363] **86.366** specifically provided. **Notwithstanding the foregoing, nothing in this section shall prevent the board of trustees from honoring the terms of a court order requiring the retirement system to pay all or any portion of the retirement benefit otherwise payable to a retired or disabled member to a third party to satisfy the member's obligation to pay child support or maintenance.**

**86.354. BENEFIT VESTED AND NONFORFEITABLE, WHEN — FORFEITURES, USE OF.** — A member's benefit shall be one hundred percent vested and nonforfeitable upon the member's attainment of normal retirement age [(age sixty-five)] **of the earlier of age fifty-five or completion of twenty years of creditable service** or, if earlier, and to the extent funded, upon the termination of

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the plan established pursuant to sections 86.200 to [86.363] **86.366**. Forfeitures of any nature under such plan shall not be used to increase the benefits of any member, but shall be used to reduce the city's contributions pursuant to section 86.243.

**86.357. FRAUD IN OBTAINING BENEFITS, A MISDEMEANOR — ADJUSTMENT OF ERRORS.** — 1. Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of this retirement system in any attempt to defraud such system as a result of such act, shall be guilty of a misdemeanor, and shall be punishable therefor under the laws of this state.

2. Should any change or error in records result in any member or beneficiary receiving from the retirement system more or less than [he] would have been [entitled to receive] **payable** had the records been correct, the board of trustees shall correct such error, and, as far as practicable, shall adjust the payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled, shall be paid.

**86.360. CONSOLIDATION OF RETIREMENT SYSTEM CREATED BY SECTIONS 86.010 TO 86.193 WITH SYSTEM CREATED BY THIS LAW.** — The board of trustees provided for by section 86.213 is hereby authorized to consolidate, combine and transfer funds provided by sections 86.010 to 86.193 with the funds provided by sections 86.200 to [86.363] **86.366** in such a manner as will simplify the operations of the two systems. The accounts of all members of the two systems will be in the members' savings fund, and the pension accumulation fund will be in the general reserve fund. Separate records shall be maintained only to the extent necessary to determine and pay the benefits provided by sections 86.010 to 86.193 for those policemen electing not to become members of the retirement system provided by sections 86.200 to [86.363] **86.366**. The board of trustees may accept the membership records of the older system in lieu of the requirements in section 86.210. The board of trustees may authorize the use of the same actuarial assumptions and interest rate in the calculation of the contributions by the cities for both systems and the accrued liability rate may be a combined rate for both systems.

**86.364. CERTAIN SECTIONS TO TERMINATE, WHEN.** — All provisions of [sections 86.200, 86.203, 86.207, 86.253, 86.288, 86.343, 86.344 and 86.364] **this chapter** which authorize the granting of additional benefits or compensation to beneficiaries shall terminate upon the issuance of an opinion by the Missouri supreme court which would result in the state of Missouri being obligated or required to pay any such additional benefits or compensation even though such additional benefits or compensation is formally approved or authorized by the appropriate body of the city.

**86.365. SPECIAL ADVISORS, QUALIFICATIONS, COMPENSATION.** — Any person who served as a policeman for a period of thirty years and who retired prior to October 1, 1957, in the police department of any city having a population of over

seven hundred thousand, under the provisions of this chapter, shall, upon application to the police department of that city, be employed by the department as a special advisor and supervisor in connection with city police problems. Any person so employed shall perform such duties as the chief of police directs and shall receive a salary of one hundred dollars per month, payable out of the department budget pursuant to appropriations for the purpose; except that, the payment to the retired person for such services, together with the retirement benefits [he] **such retired person** receives under this chapter, shall not exceed two hundred dollars per month. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits under any provision of this chapter.

**86.366. RETIRED MEMBERS MADE SPECIAL ADVISORS, WHEN — COMPENSATION — APPLICANTS, PROCESSING.** — 1. The board of trustees shall by rule adopt a program whereby, in addition to any [other annuity,] retirement allowance, or compensation paid or payable under sections 86.200 to [86.363] **86.366**, any [retirant] **retired member** under such sections who is receiving ordinary service retirement benefits and who has not received a lump sum payment equal to [his] **the retired member's** contributions, shall upon application to the retirement system of the city and approval of the application by the board of trustees be made a special advisor to the retirement system and shall be paid as compensation for [his] services as special advisor a lump sum payment in an amount equal to the total amount of [his] **the retired member's** contributions to the retirement system, without interest, in the manner provided in subsection 2 of **this section**.

2. Within ninety days of August 28, 1990, the board of trustees shall establish a system of processing and approving qualified applicants for appointment and payment under this section. Application for appointment for special advisor to the retirement system must be made within one hundred eighty days of August 28, 1990. All qualified applicants shall be deemed appointed as of the date of their application, and shall be paid within one year of August 28, 1990.

3. Any diminishment of the [funds] **assets** of the system resulting from the compensation paid the special advisors to the retirement system provided for in sections 86.200 to [86.363] **86.366** shall result in an increase in the funding requirement as computed under section 86.330 and made an obligation of the city under sections 86.344 and 86.350.

**86.403. VOTING — QUORUM.** — Each member of the retirement board shall be entitled to one vote in the decisions of the board. Five votes **or more in favor** shall be necessary [for] **to pass** a [decision] **motion** by the retirement board at any meeting of the board.

**86.433. RETIREMENT AFTER THIRTY YEARS, EXCEPTION — MINIMUM PENSION.** — Any member [in service as a policeman for compensation or on authorized sick leave of not exceeding one year on June 15, 1946, or any member who shall enter service after that date,] may retire when [he] **such member** has

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completed twenty-five or more years of creditable service and, except as otherwise provided in this section, shall retire when [he] **such member** has completed thirty years of creditable service [and]. Upon such retirement [he] **such member** shall receive a pension equal to:

(1) **For a member retiring prior to August 28, 2000, two percent of such member's final compensation, as defined in section 86.370, multiplied by the number of years of such member's total creditable service; or**

(2) **For a member retiring on or after August 28, 2000, two and one-half percent of [his] such member's final compensation, as defined in section 86.370, multiplied by the number of years of [his] such member's total creditable service.** Such pension shall be not less than [one] **seven** thousand two hundred dollars annually and in any event shall not exceed [sixty] **seventy- five** percent of the member's final compensation. Any member who has completed thirty years of creditable service may continue in service by permission of the board of police commissioners on recommendation of the chief of police until [he] **such member** attains the age of sixty-five years. Contributions shall not be required of, and no service shall be credited to, any member [after] **for more than** thirty years of service.

**86.437. RETIREMENT AT AGE SIXTY, WHEN — PENSION, HOW CALCULATED.** — Except as provided in section 86.443, any member in service [for compensation or on authorized sick leave of not exceeding one year on June 15, 1946, or who shall enter service after such date and] who shall have attained sixty years of age and at that time shall have completed at least [fifteen] **ten** but less than thirty years of creditable service, shall retire and shall receive an annual pension equal to:

(1) **For a member retiring prior to August 28, 2000, two percent of such member's final compensation, as defined in section 86.370, multiplied by the number of years of such member's total creditable service; or**

(2) **For a member retiring on or after August 28, 2000, two and one-half percent of [his] such member's final compensation as defined in section 86.370 multiplied by the number of years of [his] such member's total creditable service.** [In no event, however, shall he receive less than nine hundred dollars annually. Except as provided in section 86.443, any member who shall have attained sixty years of age and shall have completed ten years but less than fifteen years of creditable service shall retire and receive an annual pension equal to two percent of his final compensation as defined in section 86.370 multiplied by the number of years of his creditable service. In no event shall he receive less than five dollars per month for each year of his creditable service or six hundred dollars annually, whichever may be greater.]

**86.440. MINIMUM PENSIONS — SPECIAL CONSULTANT, DUTY, COMPENSATION, COST-OF-LIVING ADJUSTMENTS.** — Any member who retires after August 28, [1999] **2000**, who is entitled to a pension benefit pursuant to the provisions of sections 86.370 to 86.497 and who either has at least twenty-five years of creditable service or is retired as a result of an [accident] **injury** or illness occurring in the line of duty or course of employment pursuant to section 86.450,

shall receive a pension benefit which, [when added to] **without including** any supplemental retirement benefits paid such member by this retirement system [and any cost-of-living adjustments to amounts otherwise payable by this system], shall be not less than six hundred dollars monthly. Any member who retires on or before August 28, [1999] **2000**, who is entitled to a pension benefit pursuant to the provisions of sections 86.370 to 86.497 and who either had at least twenty-five years of creditable service or was retired as a result of an [accident] **injury** or illness occurring in the line of duty or course of employment pursuant to section 86.450, shall upon application to the retirement board be appointed by the retirement board as a special consultant on the problems of retirement, aging and other matters, and upon request of the retirement board shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be required. For such services the member shall, beginning the later of August 28, [1999] **2000**, or the time of such appointment under this section, be compensated in [such] **an** amount [as shall make the aggregate benefits received by such member from this retirement system,] **which without** including [cost-of-living adjustments and] **any** supplemental retirement benefits provided by this system, [together with compensation paid pursuant to this section, equal to] **shall be** not less than six hundred dollars monthly. **A pension benefit pursuant to this section shall be paid in lieu of such member's base pension as increased by cost-of-living adjustments granted pursuant to section 86.441. The benefit pursuant to this section shall not be subject to cost-of-living adjustments, but shall be terminated and replaced by the member's base pension and cost-of-living adjustments at such time as the total base pension and such adjustments exceed six hundred dollars monthly.**

**86.441. COST-OF-LIVING ADJUSTMENTS, HOW COMPUTED.** — 1. Any member who retires on a pension subsequent to August 13, 1972, may receive each year, beginning January 1, 1972, in addition to such member's base pension, a cost-of-living adjustment in an amount not to exceed three percent of [his] **such member's** base pension during any one year provided that the retirement pension system shall remain actuarially sound.

2. Any member who was retired on August 13, 1972, may receive each year, beginning January 1, 1986, in addition to such member's base pension, a cost-of-living adjustment in an amount not to exceed three percent of such base pension during any one year, provided that the retirement pension system shall remain actuarially sound.

3. If a member who has been retired and receiving a pension dies after September 28, 1987, the surviving spouse or children of such member entitled to receive a base pension pursuant to section 86.447 shall also receive a percentage cost-of-living adjustment to their respective base pension equal to the total percentage cost-of-living adjustments received during such member's lifetime pursuant to this section.

4. The cost-of-living adjustment shall be an increase or decrease computed on the base pension amount by [using the consumer price index to determine the percentage of increase or decrease] **the retirement board in an amount that the**

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**board, in its discretion, determines to be satisfactory;** but in no event shall the adjustment **be more than three percent or** reduce the pension to an amount less than the base pension. [The retirement board shall utilize the consumer price index for urban wage earners and clerical workers for Kansas City, Missouri, published by the Bureau of Labor Statistics, United States Department of Labor, in determining the percentage increment for such cost-of-living adjustment or, in the event such index is or becomes unavailable, the retirement board may select such other index as it in its discretion determines to be satisfactory.]

5. In determining and granting the cost-of-living adjustments, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board and may apply such adjustments in full to members who have retired during the year prior to such adjustments but who have not been retired for one full year and to the surviving spouse or children of a member who has died during the year prior to such adjustments.

6. As used in this cost-of-living adjustment section, the term "base pension" shall mean, when used in connection with a member, the pension computed under the provisions of the law as of the date of retirement of the member without regard to cost-of-living adjustment and, when used in connection with a surviving spouse or children of a member, the pension computed under the provisions of the law as of the date of death of the member without regard to cost-of-living adjustment except as provided in section 86.447. For the purposes of subsections 1 and 2 of this section, the term "member" shall include a surviving spouse entitled to pension benefits from this retirement system [who has not remarried] and any children of the member who are entitled to receive part or all of the pension which would be received by a surviving spouse [who had not remarried or died] **if living.**

7. The determination of whether the retirement pension system will remain actuarially sound shall be made at the time any cost-of-living adjustment is granted. If at any time the retirement pension system becomes actuarially unsound, pension payments shall continue as adjusted by increases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member in good faith relied and acted upon advice of a qualified actuary that the retirement pension system would remain actuarially sound.

**86.442. SUPPLEMENTAL RETIREMENT BENEFITS, AMOUNTS, DETERMINATION, PURPOSE — MEMBER TO BE SPECIAL CONSULTANT, COMPENSATION — BOARD, POWERS — SURVIVING SPOUSE BENEFIT LIMITATIONS.** — 1. Any member who retires subsequent to August 28, 1991, with entitlement to a pension under sections 86.370 to 86.497, shall receive each month, in addition to such member's base pension, a supplemental retirement benefit in the amount of fifty dollars per month, for assistance in meeting hospitalization and medical care costs or other expenses. Any member who receives such a supplemental retirement benefit may also receive not more frequently than

annually, in addition to a base pension, as may be adjusted pursuant to section 86.441, and supplemental retirement benefit, a cost-of-living adjustment to the supplemental retirement benefit, in monthly adjustment increments to be determined by the retirement board. Such determination shall be based on advice of the plan's actuary, that the increase in the benefit will not cause the present value of anticipated future plan benefits calculated on the actuarial assumptions used for the [last] **most recent** annual valuation, to exceed the sum of the trust fund assets plus the present value of anticipated contributions to the trust fund.

2. Any member who was retired on or before August 28, 1991, and is receiving retirement benefits from the retirement system, upon application to the retirement board, shall be made, constituted, appointed and employed by the retirement board as a special consultant on the problems of retirement, aging and other matters, for the remainder of such member's life, and upon request of the retirement board shall give opinions and be available to give opinions in writing or orally, in response to such requests, as may be required. For such services such member shall be compensated monthly, in addition to a base pension, in the amount of fifty dollars per month. This employment shall in no way affect any member's eligibility for retirement benefits under the provisions of sections 86.370 to 86.497, or in any way have the effect of reducing retirement benefits otherwise payable to such member. Any member who receives such monthly compensation as a special consultant to the retirement board may also receive not more frequently than annually, beginning in 1992, in addition to such member's base pension, as may be adjusted pursuant to section 86.441, and monthly compensation as a special consultant to the retirement board, a cost-of-living adjustment to such monthly compensation, in monthly adjustment increments to be determined by the retirement board. Such determination shall be based on advice of the plan's actuary, that the increase in the benefit will not cause the present value of anticipated future plan benefits calculated on the actuarial assumptions used for the [last] **most recent** annual valuation, to exceed the sum of the trust fund assets plus the present value of anticipated future contributions to the trust fund.

3. In determining and granting cost-of-living adjustments under this section, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board and may apply such adjustments in full to members who have retired during the year prior to such adjustments but who have not been retired for one full year and to the surviving spouse of a member who has died during the year prior to such adjustments.

4. For the purposes of subsections 1 and 2 of this section, the term "member" shall include a surviving spouse [who has not remarried] **entitled to a pension benefit pursuant to sections 86.370 to 86.497**, but shall not include any children of the member who would be entitled to receive part or all of the pension which would be received by a surviving spouse [who had not remarried or died] **if living**. In determining whether the rights of any such surviving spouse are provided under subsection 1 or under subsection 2 of this section, the surviving spouse shall be

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deemed to have the date of retirement of the member of whom such person is the surviving spouse, **except that if the surviving spouse of any member who retired prior to August 28, 2000, shall not have remarried prior to August 28, 2000, but remarries thereafter, such surviving spouse shall thereafter receive benefits pursuant to subsection 2 of this section, and except further that no benefits shall be payable pursuant to this section to the surviving spouse of any member who retired prior to August 28, 2000, if such surviving spouse was at any time remarried prior to August 28, 2000.** Any such surviving spouse of a member who dies while entitled to payments under this section shall succeed to the full amount of payment under this section to which such member was entitled at the time of such member's death, including any cost-of-living adjustments received by such member in the payment hereunder prior to such member's death.

5. The determination of whether the retirement pension system will remain actuarially sound shall be made at the time any cost-of-living adjustment under this section is granted. If at any time the retirement pension system becomes actuarially unsound, supplemental retirement benefit payments under subsection 1 of this section, and monthly compensation payments as a special consultant to the retirement board under subsection 2 of this section shall continue as adjusted by increases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member in good faith relied and acted upon advice of a qualified actuary that the retirement pension system would remain actuarially sound.

**86.447. PENSIONS OF DEPENDENTS OF DECEASED RETIRED MEMBERS — FUNERAL BENEFIT — SPECIAL CONSULTANT, DUTY, COMPENSATION.** — 1. Upon receipt of the proper proofs of death of a member in service for any reason whatever or of the death of a member after having been retired and pensioned, there shall be paid, in addition to all other benefits, the following:

(1) If a member dies while in service, such member's surviving spouse, if any, shall be paid a base pension equal to forty percent of the final compensation of such member, subject to subsequent adjustments, if any, as provided in section 86.441;

(2) If a member retires or terminates service after August 28, 1999, and dies after commencement of benefits pursuant to the provisions of sections 86.370 to 86.497, the member's surviving spouse, if any, shall be paid a base pension equal to eighty percent of the pension being received by such member, including cost-of-living adjustments to such pension but excluding supplemental retirement benefits, at the time of such member's death, subject to subsequent adjustments, if any, as provided in section 86.441;

(3) If a member retired or terminated service on or before August 28, 1999, and died after August 28, 1999, and after commencement of benefits, such member's surviving spouse shall upon application to the retirement board, be appointed and employed by the retirement board a special consultant on the problems of retirement, aging and other matters, and upon request of the retirement board shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be required. For such services, the surviving spouse shall, beginning the later of August 28, 1999, or the time of such

appointment under this subsection, be compensated in such amount as shall make the benefits received by such surviving spouse pursuant to this subsection equal to eighty percent of the pension being received by such member, including cost-of-living adjustments to such pension but excluding supplemental retirement benefits, at the time of such member's death, subject to subsequent adjustments, if any, as provided in section 86.441;

(4) [For] **Upon the death of** any member who [retires or terminates] **is in** service after August 28, [1999] **2000**, and who either had at least twenty-five years of creditable service or was retired **or died** as a result of an [accident] **injury** or illness occurring in the line of duty or course of employment pursuant to section 86.450, the surviving spouse's benefit provided pursuant to this subsection, [when added to] **without including** any supplemental retirement benefits paid such surviving spouse by this retirement system [and any cost-of-living adjustments to amounts otherwise payable by the retirement system], shall not be less than six hundred dollars per month. For any member who **dies**, retires or terminates service on or before August 28, [1999] **2000**, and who either had at least twenty-five years of creditable service or was retired **or died** as a result of an [accident] **injury** or illness occurring in the line of duty or course of employment pursuant to section 86.450, the surviving spouse shall upon application to the retirement board be appointed by the retirement board as a special consultant on the problems of retirement, aging and other matters, and upon request of the retirement board shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be required. For such services, the surviving spouse, shall, beginning the later of August 28, [1999] **2000**, or the time the appointment is made pursuant to this subsection, be compensated in [such] **an** amount [as shall make the aggregate benefits received by such surviving spouse from this retirement,] **which without** including [cost-of-living adjustments and] supplemental retirement benefits provided by this system, [together with compensation paid pursuant to this section, equal to] **shall be** not less than six hundred dollars [per month] **monthly**. **A pension benefit pursuant to this subdivision shall be paid in lieu of any base pension as increased by cost-of-living adjustments granted pursuant to section 86.441. The benefit pursuant to this subdivision shall not be subject to cost-of-living adjustments, but shall be terminated and replaced by the base pension and cost-of-living adjustments to which such spouse would otherwise be entitled at such time as the total base pension and such adjustments exceed six hundred dollars monthly;**

(5) Such member's child or children under the age of eighteen years at the time of the member's decease, shall be paid fifty dollars per month each, subject to adjustments, if any, as provided in section 86.441, until he or she shall attain the age of eighteen years; however, each such child who is or becomes a full-time student at an accredited educational institution shall continue to receive payments hereunder for so long as such child shall remain such a full-time student or shall be in a summer or other vacation period scheduled by the institution with intent by such child, demonstrated to the satisfaction of the retirement board, to return to such full-time student status upon the resumption of the institution's classes following such vacation period, but in no event shall such payments be continued

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after such child shall attain the age of twenty-one years except as hereinafter provided. Any child eighteen years of age or older, who is physically or mentally incapacitated from wage earning, so long as such incapacity exists as certified by a member of the medical board, shall be entitled to the same benefits as a child under the age of eighteen;

(6) A funeral benefit of one thousand dollars.

2. For the purposes of this section, "commencement of benefits" shall begin, for any benefit, at such time as all requirements have been met entitling the member to a payment of such benefit at the next following payment date, disregarding advance notice periods required by any paying agent for physical preparation of the payment, so that a member who dies between the date all such requirements are met and the date when the system would have delivered such member's initial payment shall be deemed to have commenced such benefit.

3. If there is no person qualified to receive a pension as a surviving spouse or if a surviving spouse [remarries or] dies, the total amount which would be received by a qualified surviving spouse or which is being received by the surviving spouse at the date of [the remarriage or] death of such surviving spouse shall be added to the amounts received by and shall be divided among the children under the age of eighteen years and the incapacitated children in equal shares. As each child attains the age of eighteen years or has [his] **such** incapacity removed, the total of the surviving spouse's pension shall then be added to and divided among the remaining children, and when there is only one child under the age of eighteen years or incapacitated, whether such child is the sole surviving child of the member or the youngest child of several children, the total amount of the surviving spouse's pension shall be paid to the child until [he] **such child** reaches the age of eighteen years or [his] **such** incapacity is removed.

4. (1) **The surviving spouse of a member who retired or died prior to August 28, 1997, shall not be entitled to receive benefits or the payment of a pension pursuant to sections 86.370 to 86.497 unless marriage to the member occurred at least two years before the member's retirement or at least two years before the death of the member while in service; provided, that no benefits shall be denied pursuant to this subsection to the surviving spouse of a member whose death occurred in the line of duty or from an occupational disease arising out of and in the course of the member's employment.**

(2) **No surviving spouse of a member who retired or died while in service after August 28, 1997, and before August 28, 2000, shall be entitled to receive any benefits pursuant to this section unless such spouse was married to the member at the time of the member's retirement or death while in service. [All benefits provided pursuant to this section for an eligible surviving spouse shall terminate upon remarriage of such surviving spouse.]**

(3) **Any surviving spouse who would qualify for benefits pursuant to subdivisions (1) or (2) of this subsection and who has not remarried prior to August 28, 2000, but remarries thereafter, shall upon application to the retirement board be appointed by the retirement board as a special consultant on the problems of retirement, aging and other matters, and upon request of the retirement board shall give opinions and be available to give opinions in**

writing or orally in response to such requests, as may be required. For such services, such surviving spouse shall be compensated in an amount equal to the benefits such spouse would have received pursuant to sections 86.370 to 86.497 in the absence of such remarriage.

(4) No surviving spouse of a member who retires or dies in service after August 28, 2000, shall be entitled to receive any benefits pursuant to sections 86.370 to 86.497 unless such spouse was married to the member at the time of the member's retirement or death in service. Any surviving spouse who was married to such a member at the time of the member's retirement or death in service shall be entitled to all benefits for surviving spouses pursuant to sections 86.370 to 86.497 for the life of such surviving spouse without regard to remarriage.

5. If no benefits are otherwise payable to a surviving spouse or child of a deceased member, the member's accumulated contributions, to any extent not fully paid to such member prior to the member's death or to the surviving spouse or child of such member, shall be paid in one lump sum to the member's named beneficiary or, if none, to the member's estate.

6. For purposes of this section, a determination of whether a child of a member is physically or mentally incapacitated from wage earning so that the child is entitled to benefits under this section shall be made at the time of the member's death. If a child becomes incapacitated after the member's death, or if a child's incapacity existing at the member's death is removed and such child later becomes incapacitated again, such child shall not be entitled to benefits as an incapacitated child under the provisions of this section. A child shall be deemed incapacitated only for so long as the incapacity existing at the time of the member's death continues.

**86.483. INVESTMENT OF FUNDS, BOARD AUTHORIZED TO MANAGE, DESIGNATE DEPOSITORY — PROCEDURES.** — 1. The retirement board shall act as trustee of the funds created by or collected pursuant to the provisions of sections 86.370 to 86.497. With appropriate safeguards against loss by the retirement system, the board may designate one or more banks or trust companies to serve as a depository of retirement system funds and intermediary in the investment of those funds and payment of system obligations. The board shall promptly deposit the funds with any such designated bank or trust company.

2. The retirement board shall have power, in the name and on behalf of the retirement pension system, to purchase, acquire, hold, invest, lend, lease, sell, assign, transfer and dispose of all property, rights, and securities, and enter into written contracts, all as may be necessary or proper to carry out the purposes of sections 86.370 to 86.497. No investment transaction authorized by the retirement board shall be handled by any company or firm in which a member of the board has an interest, nor shall any member of the board profit directly or indirectly from any such investment. All investments shall be made for the account of the retirement system, and any securities or other properties obtained by the retirement board may be held by a custodian in the name of the retirement system, or in the name of a nominee in order to facilitate the expeditious transfer of such securities or other

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properties. Such securities or other properties may be held by such custodian in bearer form or in book entry form. The retirement system is further authorized to deposit, or have deposited for its account, eligible securities in a central depository system or clearing corporation or in a federal reserve bank under a book entry system as defined in the uniform commercial code, sections 400.8-102 and 400.8-109, RSMo. When such eligible securities of the retirement system are so deposited with the central depository system they may be merged and held in the name of the nominee of such securities depository and title to such securities may be transferred by bookkeeping entry on the books of such securities depository or federal reserve bank without physical delivery of the certificates or documents representing such securities.

3. The income from investments shall be credited at least annually to the funds of the retirement system. All payments from the funds shall be made by the bank or trust company only upon orders signed by the secretary and treasurer of the retirement board. No order shall be drawn unless it shall have previously been allowed by resolution of the retirement board. **In the case of payments for services, supplies or similar items in the ordinary course of business, such board resolutions may be ongoing generalized authorizations, provided that each payment shall be reported to the board at its next following meeting and shall be subject to ratification and approval by the board.** All bonds or securities acquired and held by the retirement board shall be kept in a safe-deposit box, and access thereto shall be had only by the secretary and treasurer, jointly; except that, the retirement board may contract with a bank or trust company to act as the custodian of the bonds and securities, in which case the retirement board may authorize its secretary and treasurer, jointly, to order purchases, loans or sales of investments by such custodian bank or trust company.

**86.493. MONEYS EXEMPT FROM TAXATION AND PROCESS, EXCEPT FOR SUPPORT ORDERS AND ASSIGNMENTS.**— The right of any person to pension or pensions, to the return of contributions, disability or death benefits or any other right accrued or accruing to any person under the provisions of sections 86.370 to 86.497 and the moneys in the various funds created under sections 86.370 to 86.497 are hereby exempt from any tax of the state of Missouri or of any municipality or political subdivision thereof, and shall not be subject to execution, garnishment, attachment or any other process whatsoever and shall be unassignable except as specifically provided in sections 86.370 to 86.497, and except for court orders or assignments approved by a court to provide support for family members or a former spouse of any person entitled to benefits under sections 86.370 to 86.497. **A revocable request or authorization by a member or a beneficiary to withhold and apply for the requester's convenience some portion or all of a benefit payment, such as a request to apply some portion of a benefit payment to a medical insurance premium, shall not be deemed an assignment prohibited under this section provided that any such request shall remain revocable at all times except as to payments or withholdings effected prior to any such revocation. The retirement system may, but shall not be obligated to, comply with any such request.**

**86.675. COST-OF-LIVING ADJUSTMENT — TERMS DEFINED.** — 1. Any member who is entitled to a pension under sections 86.600 to 86.790 may receive, in addition to [his] **such member's** base pension, a cost-of-living adjustment in an amount not to exceed three percent of [his] **such** base pension during any one year, provided that the retirement system shall remain actuarially sound. The determination of whether the retirement system will remain actuarially sound shall be made at the time such cost-of-living adjustment is granted. If at any time the retirement system becomes actuarially unsound, pension payments shall continue as adjusted by increases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this subsection if that retirement board member in good faith relied and acted upon advice of a qualified actuary that the retirement system would remain actuarially sound.

2. The cost-of-living adjustment provided by this section shall be an increase or decrease computed on the base pension amount by [using the consumer price index to determine the percentage of increase or decrease; but in no event shall the adjustment reduce the pension to an amount less than the base pension. The retirement board shall utilize the consumer price index for urban wage earners and clerical workers for Kansas City, Missouri, published by the Bureau of Labor Statistics of the United States Department of Labor, in determining the percentage increment for such cost-of-living adjustment or, in the event such index is or becomes unavailable, the retirement board may select such other index as it] **the retirement board in an amount that the board**, in its discretion, determines to be satisfactory; **but in no event shall the adjustment be more than three percent or reduce the pension to an amount less than the base pension.**

3. In determining and granting the cost-of-living adjustments provided by this section, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board, and may apply such adjustments in full to members who have retired during the year prior to such adjustments but who have not been retired for one full year.

4. As used in this section, the term "base pension" shall mean the pension computed under the provisions of the law as of the date of retirement of the member without regard to cost-of-living adjustment. As used in this section, the term "member" shall include:

- (1) A surviving spouse who has not remarried;
- (2) Any children of a member who are entitled to receive part or all of the pension which would be received by a surviving spouse who had not remarried or died; and
- (3) A surviving spouse (whether or not remarried) who is receiving an optional annuity pursuant to an election [under subdivision (2) of] **pursuant to** subsection [1] **2** of section 86.650.

**86.730. RETIREMENT BOARDS — VOTES — RECORDS AND REPORTS — SEAL.** — 1. Each member of the retirement board shall be entitled to one vote in the

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decisions of the board. [Four] **Five votes or more in favor** shall be necessary [for] **to pass** a [decision] **motion** by the retirement board at any meeting of the board.

2. The retirement board shall keep in convenient form the data necessary for the administration of the retirement system. The retirement board shall keep a record of all its proceedings which shall be open to public inspection. It shall publish annually in pamphlet form a report prepared by certified public accountants showing the fiscal transactions of the retirement system for the preceding fiscal year, the status of assets and liabilities and the amount of cash on hand. One copy of the annual report shall be delivered to each member of the retirement system, one copy to each member of the retirement board, one copy shall be filed with the city clerk and one copy delivered to each member of the board of police commissioners. The retirement board shall cause an actuarial study and calculation to be made in 1968 based upon the experiences of the retirement system by an independent firm of pension actuaries and shall cause actuarial studies and calculations to be made each five years thereafter.

3. The retirement board shall before January tenth of each year certify to the chief financial officer of the city the amount to be paid by the city under the retirement pension system for the succeeding fiscal year.

4. The retirement board shall adopt a common seal. The retirement board may sue and be sued in its own name and the suits shall constitute suits by or against the members of the retirement board in their representative capacities and not as individuals.

**86.750. BOARD SHALL BE TRUSTEES OF FUNDS — POWERS AND DUTIES. — 1.**

The retirement board shall act as trustee of the funds created by or collected pursuant to the provisions of sections 86.600 to 86.790. With appropriate safeguards against loss by the retirement system, the board may designate one or more banks or trust companies to serve as a depository of retirement system funds and intermediary in the investment of those funds and payment of system obligations. The board shall promptly deposit the funds with any such designated bank or trust company.

2. The retirement board shall have power, in the name and on behalf of the retirement pension system, to purchase, acquire, hold, invest, lend, lease, sell, assign, transfer and dispose of all property, rights, and securities, and enter into written contracts, all as may be necessary or proper to carry out the provisions of sections 86.600 to 86.790. No investment transaction authorized by the retirement board shall be handled by any company or firm in which a member of the board has an interest, nor shall any member of the board profit directly or indirectly from any such investment. All investments shall be made for the account of the retirement system, and any securities or other properties obtained by the retirement board may be held by the custodian in the name of the retirement system, or in the name of the nominee in order to facilitate the expeditious transfer of such securities or other property. Such securities or other properties may be held by such custodian in bearer form or in book entry form. The retirement system is further authorized to deposit, or have deposited for its account, eligible securities in a central depository system or clearing corporation or in a federal reserve bank under a book entry

system as defined in the uniform commercial code, sections 400.8-102 and 400.8-109, RSMo. When such eligible securities of the retirement system are so deposited with the central depository system they may be merged and held in the name of the nominee of such securities depository and title to such securities may be transferred by bookkeeping entry on the books of such securities depository or federal reserve bank without physical delivery of the certificates or documents representing such securities.

3. The income from investments shall be credited at least annually to the funds of the retirement system. All payments from the funds shall be made by the bank or trust company only upon orders signed by the secretary and treasurer of the retirement board. No order shall be drawn unless it shall have previously been allowed by resolution of the retirement board. **In the case of payments for services, supplies or similar items in the ordinary course of business, such board resolutions may be ongoing generalized authorizations, provided that each payment shall be reported to the board at its next following meeting and shall be subject to ratification and approval by the board.** All bonds or securities acquired and held by the retirement board shall be kept in a safe-deposit box, and access thereto shall be had only by the secretary and treasurer, jointly; except that, the retirement board may contract with a bank or trust company to act as a custodian of the bonds and securities, in which case the retirement board may authorize its secretary and treasurer, jointly, to order purchases, loans or sales of investments by such custodian bank or trust company.

**86.770. CONTRIBUTIONS CREDITED TO SYSTEM — BENEFITS, EXPENSES — EMPLOYER OBLIGATION.** — All employer and member contributions or other payments to the retirement system and all income from investments shall be credited to the funds of the retirement system. All benefits and all necessary administrative expenses of the retirement system shall be paid from the funds of the retirement system. The payment of the benefits granted under the provisions of sections 86.600 to 86.790, and the expense in connection with the operation of the retirement system are hereby made obligations of the employer. All payments from the funds of the retirement system shall be made only upon voucher signed by two persons designated by the retirement board. No voucher shall be drawn unless it has been previously approved by the retirement board, **either specifically or on an ongoing generalized basis as permitted by subsection 3 of section 86.750.**

**86.780. BENEFITS EXEMPT FROM EXECUTION — NOT ASSIGNABLE, EXCEPT FOR SUPPORT OBLIGATIONS.** — The right of any person to a benefit accruing under the provisions of sections 86.600 to 86.790 and to the moneys in the various funds created under sections 86.600 to 86.790 shall not be subject to execution, garnishment, attachment, or to any other process whatsoever and the right shall be unassignable except as specifically provided in sections 86.600 to 86.790 and except for court orders or assignments approved by a court to provide support for family members or a former spouse of any person entitled to benefits under sections 86.600 to 86.790. **A revocable request or authorization by a member or a beneficiary to withhold and apply for the requester's convenience some**

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portion or all of a benefit payment, such as a request to apply some portion of a benefit payment to a medical insurance premium, shall not be deemed an assignment prohibited pursuant to this section provided that any such request shall remain revocable at all times except as to payments or withholdings effected prior to any such revocation. The retirement system may, but shall not be obligated to, comply with any such request.

**87.120. DEFINITIONS.**— The following words and phrases as used in sections 87.120 to 87.370, unless a different meaning is plainly required by the context, have the following meanings:

- (1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' savings fund together with interest thereon;
- (2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of such mortality tables and interest rate as shall be adopted by the board of trustees;
- (3) "Average final compensation", the average earnable compensation of the member during his last two years of service as a fireman, or if he has less than two years of service, then the average earnable compensation of his entire period of service;
- (4) "Beneficiary", any person in receipt of a retirement allowance or other benefit as provided by sections 87.120 to 87.370;
- (5) "Benefit reserve", the present value of all payments to be made on account of any retirement allowance or benefit in lieu of a retirement allowance upon the basis of such mortality tables and interest rate as shall be adopted by the board of trustees;
- (6) "Board of trustees", the board provided for in section 87.140 to administer the retirement system;
- (7) "City", any city [of six hundred thousand inhabitants or more] **not within a county and** adopting the retirement system provided by sections 87.120 to 87.370;
- (8) "Creditable service", prior service plus membership service as provided in section 87.135;
- (9) "DROP", the deferred retirement option plan provided in section 87.182;
- (10) "Earnable compensation", the regular compensation which a member would earn during one year on the basis of the stated compensation for his rank or position;
- (11) "Fireman", any officer or employee of the fire department of the city employed by the city for the duty of fighting fires, but does not include anyone employed in a clerical or other capacity not involving firefighting duties. In case of doubt as to whether any person is a fireman within the meaning of sections 87.120 to 87.370, the decision of the board of trustees shall be final;
- (12) "Medical board", the board of physicians provided for in section 87.160;
- (13) "Member", a member of the retirement system as defined by section 87.130;
- (14) "Membership service", service as a fireman rendered since last becoming a member;

(15) "Prior service", all service as a fireman rendered prior to the date the system becomes operative which is creditable in accordance with the provisions of section 87.135;

(16) "Retirement allowance", annual payments for life which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon retirement or to a beneficiary;

(17) "Retirement system", the firemen's retirement system of any city as defined in section 87.125;

(18) "Widow", the surviving spouse of a member.

**[87.176. SPECIAL ADVISORS TO RETIREMENT SYSTEM, QUALIFICATIONS — REPAYMENT OF CONTRIBUTION, PROCEDURE.** — 1. In addition to any other annuity or retirement allowance paid or payable under sections 87.120 to 87.370, any retirant who is receiving benefits as a result of retirement prior to October 1, 1982, and any member of the system who ceased to be a member prior to October 1, 1982, and has vested retirement benefits may, upon application to the firemen's retirement system, be made a special advisor to the retirement system. Upon the acceptance of such application, the retirant shall be repaid the total amount of the member's contribution to the system without interest. Upon the approval of this statute, the board of trustees of the system may establish a staggered system of processing qualified applicants, which staggered system of accepting and processing of applications shall not exceed three years to complete, and which staggered system shall be structured to address all classes of entitlement as set forth in this section. The staggered system of processing shall consider first those applicants having been retired from the system the longest period of time, and chronologically thereafter the next longest until the most recent retirants shall be considered, which most recent retirees within said staggered system shall be last entitled to have their applications for benefits considered.

2. Any refund of contributions paid under subsection 1 of this section shall be withdrawn from the general fund of the firemen's retirement system and no moneys shall be withdrawn from the general revenue fund of the city.]

**87.230. WIDOW MAY SERVE AS SPECIAL CONSULTANT, WHEN, COMPENSATION, DUTIES.** — 1. Any widow who is receiving retirement benefits, upon application to the board of trustees of the retirement system, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, [or] **for** the remainder of her life, and upon request of the board, give opinions, and be available to give opinions in writing, or orally, in response to such request, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly retirement benefits being received, shall not exceed fifty percent of the deceased member's average final compensation or [two hundred dollars] **seventy-five percent of the federal poverty level for a single person as set and updated by the United States Department of Health and Human Services or its successor agency, whichever is greater.**

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2. This compensation shall be consolidated with any other retirement benefits payable to such widow, and shall be paid in the manner and from the same fund as her other retirement benefits under this chapter, and shall be treated in all aspects under the laws of this state as retirement benefits paid pursuant to this chapter.

3. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits under this chapter, or in any way have the effect of reducing retirement benefits, anything to the contrary notwithstanding.

**87.237. RETIREE TO BECOME SPECIAL ADVISOR, WHEN, COMPENSATION. —**

1. Any person who served as a fireman and who is retired and receiving a retirement allowance of less than [three hundred and fifty dollars per month] **one hundred percent of the federal poverty level for a single person as set and updated by the United States Department of Health and Human Services or its successor agency** may act as a special advisor to the retirement system.

2. For the additional service as a special advisor, each retired person shall receive, in addition to the retirement allowance provided under this chapter, an additional amount, which amount, together with the retirement allowance he is receiving under other provisions of this chapter, shall equal, but not exceed, [three hundred fifty dollars per month] **one hundred percent of the federal poverty level for a single person as set and updated by the United States Department of Health and Human Services or its successor agency**. Any retirement allowance paid to a retiree under this subsection shall be withdrawn from the firemen's retirement and relief system fund and no moneys shall be withdrawn from the general revenue fund of any city not within a county.

**103.085. TERMINATION OF COVERAGE, WHEN, EXCEPTIONS, CERTAIN PERSONS MAY CHOOSE TO CONTINUE COVERAGE, REQUIREMENTS. —** Except as otherwise provided by sections 103.003 to 103.175, medical benefits coverage as provided by sections 103.003 to 103.175 shall terminate when the member ceases to be an active employee; except persons receiving or entitled to receive an annuity or retirement benefit or disability benefit or the spouse of or unemancipated children of deceased persons receiving or entitled to receive an annuity or retirement benefit or disability benefit from the state, participating member agency, institution, political subdivision or governmental entity may elect to continue coverage, provided the individuals to be covered have been continuously covered for [the] **health care** benefits [under sections 103.003 to 103.175 for at least the shorter of]:

(1) [Two years prior to the date of death or disability of the member or his] **Under a separate group or individual policy for the six-month period immediately preceding the member's date of death or disability or eligibility for normal or early retirement; or**

(2) **Pursuant to sections 103.003 to 103.175, since the effective date of the most recent open enrollment period prior to the member's date of death or disability or eligibility for normal or early retirement; or**

(3) From the initial date of eligibility for the benefits provided by sections 103.003 to 103.175.

Cost for coverage continued [under] **pursuant to** this section shall be determined by the board. If an eligible person does not elect to continue the coverage within thirty-one days of the first day of the month following the date on which the eligible person ceases to be an employee, he **or she** may not later elect to be covered [under] **pursuant to** this section.

**104.010. DEFINITIONS.**— 1. The following words and phrases as used in sections 104.010 to 104.800, unless a different meaning is plainly required by the context, shall mean:

(1) "Accumulated contributions", the sum of all deductions for retirement benefit purposes from a member's compensation which shall be credited to the member's individual account and interest allowed thereon;

(2) "Active armed warfare", any declared war, or the Korean or Vietnamese conflict;

(3) "Actuarial equivalent", a benefit which, when computed upon the basis of actuarial tables and interest, is equal in value to a certain amount or other benefit;

(4) "Actuarial tables", the actuarial tables approved and in use by a board at any given time;

(5) "Actuary", the actuary who is a member of the American Academy of Actuaries or who is an enrolled actuary under the Employee Retirement Income Security Act of 1974 and who is employed by a board at any given time;

(6) "Annuity", annual payments, made in equal monthly installments, to a retired member from funds provided for in, or authorized by, this chapter;

(7) "Average compensation", the average compensation of a member for the thirty-six consecutive months of service prior to retirement when the member's compensation was greatest; or if the member is on workers' compensation leave of absence or a medical leave of absence due to an employee illness, the amount of compensation the member would have received may be used, as reported and verified by the employing department; or if the member had less than thirty-six months of service, the average annual compensation paid to the member during the period up to thirty-six months for which the member received creditable service when the member's compensation was the greatest; or if the member is on military leave, the amount of compensation the member would have received may be used as reported and verified by the employing department or, if such amount is not determinable, the amount of the employee's average rate of compensation during the twelve-month period immediately preceding such period of leave, or if shorter, the period of employment immediately preceding such period of leave;

(8) "Beneficiary", any person entitled to or nominated by a member or retiree who may be legally entitled to receive benefits pursuant to this chapter;

(9) "Biennial assembly", the completion of no less than two years of creditable service or creditable prior service by a member of the general assembly;

(10) "Board of trustees", "board", or "trustees", a board of trustees as established for the applicable system pursuant to this chapter;

(11) "Chapter", sections 104.010 to 104.800;

(12) "Compensation":

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(a) All salary and wages payable out of any state, federal, trust, or other funds to an employee for personal services performed for a department; but including only amounts for which contributions have been made in accordance with section 104.436, or section 104.070, whichever is applicable, and excluding any nonrecurring single sum payments or amounts paid after the member's termination of employment unless such amounts paid after such termination are a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000, or any other one-time payments made as a result of such payroll system;

(b) All salary and wages which would have been payable out of any state, federal, trust or other funds to an employee on workers' compensation leave of absence during the period the employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department;

(c) Effective December 31, 1995, compensation in excess of the limitations set forth in Internal Revenue Code Section 401(a)(17) shall be disregarded. The limitation on compensation for eligible employees shall not be less than the amount which was allowed to be taken into account under the system as in effect on July 1, 1993. For this purpose, an "eligible employee" is an individual who was a member of the system before the first plan year beginning after December 31, 1995;

(13) "Consumer price index", the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by a board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency;

(14) "Creditable prior service", the service of an employee which was either rendered prior to the establishment of a system, or prior to the date the employee last became a member of a system, and which is recognized in determining the member's eligibility and for the amount of the member's benefits under a system;

(15) "Creditable service", the sum of membership service and creditable prior service, to the extent such service is standing to a member's credit as provided in this chapter; **except that in no case shall more than one day of creditable service or creditable prior service be credited any member for any one calendar day of eligible service credit as provided by law;**

(16) "Deferred normal annuity", the annuity payable to any former employee who terminated employment as an employee or otherwise withdrew from service with a vested right to a normal annuity, payable at a future date;

(17) "Department", any department, institution, board, commission, officer, court, or any agency of the state government receiving state appropriations, including allocated funds from the federal government, and having power to certify payrolls authorizing payments of salary or wages against appropriations made by the federal government or the state legislature from any state fund, or against trusts or allocated funds held by the state treasurer;

(18) "Disability benefits", benefits paid to any employee while totally disabled as provided in this chapter;

(19) "Early retirement age", a member's attainment of fifty-five years of age and the completion of ten or more years of creditable service, except for uniformed members of the water patrol;

(20) "Employee":

(a) Any elective or appointive officer or person employed by the state who is employed, promoted or transferred by a department into a new or existing position and earns a salary or wage in a position normally requiring the performance by the person of duties during not less than one thousand hours per year, including each member of the general assembly but not including any patient or inmate of any state, charitable, penal or correctional institution. However, persons who are members of the public school retirement system and who are employed by a state agency other than an institution of higher learning shall be deemed employees for purposes of participating in all insurance programs administered by a board established pursuant to section 104.450. This definition shall not exclude any employee as defined in this subdivision who is covered only under the federal Old Age and Survivors' Insurance Act, as amended. As used in this chapter, the term "employee" shall include:

a. Persons who are currently receiving annuities or other retirement benefits from some other retirement or benefit fund, so long as they are not simultaneously accumulating creditable service in another retirement or benefit system which will be used to determine eligibility for or the amount of a future retirement benefit;

b. Persons who have elected to become or who have been made members of a system pursuant to section 104.342;

(b) Any person who has performed services in the employ of the general assembly or either house thereof, or any employee of any member of the general assembly while acting in the person's official capacity as a member, and whose position does not normally require the person to perform duties during at least one thousand hours per year, with a month of service being any monthly pay period in which the employee was paid for full-time employment for that monthly period;

(c) "Employee" does not include special consultants employed pursuant to section 104.610;

(d) As used in this chapter, the hours governing the definition of employee shall be applied only from August 13, 1988, forward;

(21) "Employer", a department of the state;

(22) "Executive director", the executive director employed by a board established pursuant to the provisions of this chapter;

(23) "Fiscal year", the period beginning July first in any year and ending June thirtieth the following year;

(24) "Full biennial assembly", the period of time beginning on the first day the general assembly convenes for a first regular session until the last day of the following year;

(25) "Fund", the benefit fund of a system established pursuant to this chapter;

(26) "Interest", interest at such rate as shall be determined and prescribed from time to time by a board;

(27) "Member", as used in sections 104.010 to [104.270] **104.272** or 104.600 to 104.800 shall mean a member of the **highways and** transportation [department]

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**employees'** and highway patrol retirement system without regard to whether or not the member has been retired. "Member", as used in sections 104.010 and [104.320] **104.312** to 104.800, shall mean a member of the Missouri state employees' retirement system without regard to whether or not the member has been retired;

(28) "Membership service", the service after becoming a member that is recognized in determining a member's eligibility for and the amount of a member's benefits under a system;

(29) "Military service", all active service performed in the United States Army, Air Force, Navy, Marine Corps, Coast Guard, and members of the United States Public Health Service or any women's auxiliary thereof; and service in the Army national guard and Air national guard when engaged in active duty for training, inactive duty training or full-time national guard duty, and service by any other category of persons designated by the President in time of war or emergency;

(30) "Normal annuity", the annuity provided to a member upon retirement at or after the member's normal retirement age;

(31) "Normal retirement age", an employee's attainment of sixty-five years of age and the completion of four years of creditable service or the attainment of age sixty-five years of age and the completion of five years of creditable service by a member who has terminated employment and is entitled to a deferred normal annuity or the member's attainment of age sixty and the completion of fifteen years of creditable service, except that normal retirement age for uniformed members of the highway patrol shall be fifty-five years of age and the completion of four years of creditable service and uniformed employees of the water patrol shall be fifty-five years of age and the completion of four years of creditable service or the attainment of age fifty-five and the completion of five years of creditable service by a member of the water patrol who has terminated employment and is entitled to a deferred normal annuity and members of the general assembly shall be fifty-five years of age and the completion of three full biennial assemblies. Notwithstanding any other provision of law to the contrary, a member of the [Missouri] **highways and transportation [department] employees'** and highway patrol retirement system or a member of the Missouri state employees' retirement system shall be entitled to retire with a normal annuity and shall be entitled to elect any of the survivor benefit options and shall also be entitled to any other provisions of this chapter that relate to retirement with a normal annuity if the sum of the member's age and creditable service equals eighty years or more and if the member is at least fifty years of age;

(32) "Payroll deduction", deductions made from an employee's compensation;

(33) "Prior service credit", the service of an employee rendered prior to the date the employee became a member which service is recognized in determining the member's eligibility for benefits from a system but not in determining the amount of the member's benefit;

(34) "Reduced annuity", an actuarial equivalent of a normal annuity;

(35) "Retiree", a member who is not an employee and who is receiving an annuity from a system pursuant to this chapter;

(36) "System" or "retirement system", the **highways and transportation [department] employees'** and highway patrol retirement system, as created by

sections 104.010 to 104.270, or sections 104.600 to 104.800, or the Missouri state employees' retirement system as created by sections 104.320 to 104.800;

(37) "Uniformed members of the highway patrol", the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals, and patrolmen of the Missouri state highway patrol who normally appear in uniform;

(38) "Uniformed members of the water patrol", employees of the Missouri state water patrol of the department of public safety who are classified as water patrol officers who have taken the oath of office prescribed by the provisions of chapter 306, RSMo, and who have those peace officer powers given by the provisions of chapter 306, RSMo;

(39) "Vesting service", the sum of a member's prior service credit and creditable service which is recognized in determining the member's eligibility for benefits under the system.

2. Benefits paid pursuant to the provisions of this chapter shall not exceed the limitations of Internal Revenue Code Section 415, the provisions of which are hereby incorporated by reference.

**104.090. NORMAL ANNUITY OF RETIRED MEMBER — ADDITIONAL ALLOWANCE TO PATROLMEN, QUALIFICATIONS — SURVIVORSHIP OPTIONS — OPTION SELECTED PRIOR TO RETIREMENT, DEATH OF SPOUSE, EFFECT.** — 1. The normal annuity of a member shall equal one and six-tenths percent of the average compensation of the member multiplied by the number of years of creditable service of such member. In addition, the normal annuity of a uniformed member of the patrol shall be increased by thirty-three and one-third percent.

2. In addition, a uniformed member of the highway patrol who is retiring with a normal annuity after attaining normal retirement age shall receive an additional sum of ninety dollars per month as a contribution by the system until such member attains the age of sixty-five years, when such contribution shall cease. To qualify for the contribution provided in this subsection by the system, the retired uniformed member of the highway patrol is made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. Such additional contribution shall be reduced each month by such amount earned by the retired uniformed member of the highway patrol in gainful employment. In order to qualify for the additional contribution provided in this subsection, the retired uniformed member of the highway patrol shall have been:

- (1) Hired by the Missouri state highway patrol prior to January 1, 1995; and
- (2) Employed by the Missouri state highway patrol or receiving long-term disability or work-related disability benefits on the day before the effective date of the member's retirement.

3. In lieu of the annuity payable to the member pursuant to section 104.100, a member whose age at retirement is fifty or more may elect in the member's application for retirement to receive either:

Option 1. An actuarial reduction approved by the board of the member's annuity in reduced monthly payments for life during retirement with the provision

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that upon the member's death the reduced annuity at date of death shall be continued throughout the life of, and be paid to, the member's spouse; or

Option 2. The member's normal annuity in regular monthly payments for life during retirement with the provision that upon the member's death a survivor's benefit equal to one-half the member's normal annuity at date of death shall be paid to the member's spouse in regular monthly payments for life; or

Option 3. An actuarial reduction approved by the board of normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member's having received one hundred twenty monthly payments of the member's reduced annuity, the member's reduced allowance to which the member would have been entitled had the member lived shall be paid for the remainder of the one hundred twenty-month period to such person as the member shall have nominated by written designation duly executed and filed with the board. If there is no beneficiary surviving the retirant, the reserve for such allowance for the remainder of such one hundred twenty-month period shall be paid to the retirant's estate; or

Option 4. An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member having received sixty monthly payments of the member's reduced annuity, the member's reduced allowance to which the member would have been entitled had the member lived shall be paid for the remainder of the sixty-month period to such person as the member shall have nominated by written designation duly executed and filed with the board. If there is no beneficiary surviving the retirant, the reserve for such allowance for the remainder of such sixty-month period shall be paid to the retirant's estate.

4. The election may be made only in the application for retirement, and such application shall be filed at least thirty days, but not more than ninety days prior to the date on which the retirement of the member is to be effective, provided that if either the member or the spouse nominated to receive the survivorship payment dies before the effective date of retirement, the election shall not be effective. If after the reduced annuity commences, the spouse predeceases the retired member, the reduced annuity continues to the retired member during the member's lifetime.

**5. Effective July 1, 2000, a member may make an election under option 1 or 2 after the date retirement benefits are initiated if the member makes the election within one year from the date of marriage or July 1, 2000, whichever is later, under any of the following circumstances:**

(1) The member elected to receive a normal annuity and was not eligible to elect option 1 or 2 on the date retirement benefits were initiated; or

(2) The member's annuity reverted to a normal annuity pursuant to subsection 8 of section 104.103 and the member remarried; or

(3) The member elected option 1 or 2 but the member's spouse at the time of retirement has died and the member has remarried.

**6. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state**

**matters, and for such services shall be eligible to elect to receive the benefits described in subsection 5 of this section.**

**104.103. ANNUAL BENEFIT INCREASE, WHEN, HOW COMPUTED — LIMITATION — REVERSION OF AMOUNT OF BENEFIT — SPECIAL CONSULTANT, COMPENSATION. —** 1. Each member who was employed prior to August 28, 1997, and retires on or after May 12, 1981, shall receive each year a percentage increase in the amount of benefits received by the member during the preceding year of eighty percent of the increase in the consumer price index determined in the manner hereinafter provided. Any such annual benefit increase, however, shall not exceed five percent, nor be less than four percent, and the total increase in the amount of benefits received pursuant to the provisions of this section shall not exceed sixty-five percent of the initial monthly benefit which the member received upon retirement or the benefit received immediately prior to October 1, 1986, whichever is later.

2. Each member who is employed for the first time on or after August 28, 1997, and retires shall be entitled annually to a percentage increase in the retirement benefit payable equal to eighty percent of the increase in the consumer price index. Such benefit increase, however, shall not exceed five percent of the retirement benefit payable prior to the increase.

3. Each member who is employed before August 28, 1997, and terminates employment or retires after that date shall be entitled to the annual benefit increase described in subsection 1 of this section. For such members, the annual benefit increase described in subsection 2 of this section shall not be effective until the year in which the member reaches the limit on total annual benefit increases provided by subsection 1 of this section. After that year, the member shall receive the annual benefit increase described in subsection 2 of this section.

4. Survivors of members described in subsection 2 of this section shall be entitled to the annual benefit increase described in that subsection.

5. For the purposes of this section, any increase in the consumer price index shall be determined in January of each year, based upon the percentage increase of (a) the consumer price index for the preceding calendar year over (b) the consumer price index for the calendar year immediately prior thereto. Any increase so determined shall be applied in calculating any benefit increases that become payable under this section during the calendar year in which the determination is made and in no case shall the percentage be less than zero.

6. An annual increase, if any is due under either this section or section 104.612 for special consultants with the **highways and** transportation [department] employees' and highway patrol retirement system, shall be payable monthly beginning on a date specified by the board.

7. For members who retire on or after [August 28, 1994] **July 1, 2000**, in the event such member has chosen a joint and survivor option under the provisions of section 104.090 and the member's eligible spouse precedes the member in death, the member's benefit shall revert, effective the first of the month following [receipt by] **the death of the spouse regardless of when** the board [of a] **receives the member's** written application for the benefit provided in this subsection, to an

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amount equal to the member's normal annuity, as adjusted for early retirement if applicable; such benefit shall include any increases the member would have received since the date of retirement had the member elected a normal annuity. In no event shall retroactive benefits be paid.

8. Effective on or after [August 28, 1994] **July 1, 2000**, any retired member who had elected a joint and survivor payment option and whose spouse precedes or preceded the member in death, shall upon application to the board be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. As a special consultant under the provisions of this subsection, the member's reduced benefit will revert to a normal annuity as adjusted for early retirement if applicable, effective the first of the month following [receipt by] **the death of the spouse regardless of when** the board [of a] **receives the member's** written application; such benefit shall include any increases the retired member would have received since the date of retirement had the member elected a normal annuity. In no event shall retroactive benefits be paid.

**104.140. DEATH PRIOR TO RETIREMENT, BENEFITS.** — 1. If a member who has [ten] **five** or more years of creditable service dies before retirement, his surviving spouse, if named as his beneficiary and [had been] married to the deceased member [at least two years prior to] **on the date of** the member's death, or his surviving unemancipated children under the age of twenty-one, if named as beneficiary or beneficiaries, shall receive a total monthly payment equal to fifty percent of the deceased member's accrued monthly benefit calculated as if the member were of normal retirement age as of his date of death. If the surviving spouse dies leaving any unemancipated children under the age of twenty-one years, the payment shall continue until the children become emancipated or reach twenty-one years of age.

2. Effective January 1, 1985, if an employee who has three or more, but less than ten years of creditable service, dies before retirement, the surviving spouse of the deceased employee, if named as beneficiary and [had been] married to the deceased employee [at least two years prior to] **on the date of** the employee's death, or the deceased employee's surviving unemancipated children under the age of twenty-one, if named as beneficiary or beneficiaries, shall receive a total monthly payment equal to twenty-five percent of the deceased employee's accrued monthly benefit calculated as if the employee were of normal retirement age as of the date of death. Such benefit shall be increased by five-twelfths of one percent for each month of service in excess of five years. If the surviving spouse dies leaving any unemancipated children under the age of twenty-one years, the payment shall continue until the children become emancipated or reach twenty-one years of age. If there is no surviving spouse eligible for benefits under this subsection, but there are any unemancipated children of the deceased employee eligible for payments, the payments shall continue until the children become emancipated or reach twenty-one years of age. Any benefits payable to unemancipated children under twenty-one years of age shall be made on a pro rata basis among the surviving unemancipated children under twenty-one years of age.

**3. For the purpose of computing the amount of a benefit payable pursuant to this section, if the board finds that the death was a natural and proximate result of a personal injury or disease arising out of and in the course of the member's actual performance of duty as an employee, then the minimum benefit to such member's surviving spouse or, if no surviving spouse benefits are payable, the minimum benefit that shall be divided among and paid to such member's surviving unemancipated children under the age of twenty-one shall be fifty percent of the member's final average compensation. The service requirements of subsections 1 and 2 of this section shall not apply to any benefit payable pursuant to this subsection.**

**104.335. VESTING SERVICE — MEMBERS WHO ARE ENTITLED TO ANNUITIES — REQUIREMENTS, AMOUNTS — TERMINATED VESTED MEMBER, JUDGE, ADMINISTRATIVE LAW JUDGE OR LEGAL ADVISOR, ELECTION TO PAY PRESENT VALUE OF ANNUITY, ELIGIBILITY, PURCHASE OF PRIOR SERVICE CREDIT. — 1.**

Any member, whose employment terminated prior to September 1, 1972, and (a) who had served at least three full biennial assemblies as a member of the general assembly, or (b) who was other than a member of the general assembly and who had fifteen or more years of vesting service shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation and the law in effect at the time the member's employment was terminated.

2. (1) Any member, whose employment terminated on or after September 1, 1972, and prior to July 1, 1981, and (a) who had served at least three full biennial assemblies as a member of the general assembly, or (b) who was other than a member of the general assembly and who had fifteen or more years of vesting service or who had ten or more years of vesting service and was at least thirty-five years of age at the date of termination of employment shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation and the law in effect at the time the member's employment was terminated.

(2) Any member, whose employment terminated on or after July 1, 1981, and (a) who had served at least three full biennial assemblies as a member of the general assembly, or (b) who was other than a member of the general assembly and who had ten or more years of vesting service at the date of termination of employment shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation and the law in effect at the time the member's employment was terminated.

(3) Any member, whose employment terminated on or after September 1, 1972, and who had four or more years of vesting service as governor, lieutenant governor, secretary of state, auditor, treasurer, or attorney general of this state shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation and the law in effect at the time the member's employment was terminated.

(4) Any member whose employment terminated on or after September 28, 1985, and who (a) had served less than three full biennial assemblies as a member of the general assembly, and (b) has less than ten years of vesting service as an employee other than a member of the general assembly shall be entitled to two

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years of vesting service for each full biennial assembly in which the member served plus an additional amount of vesting service for each partial biennial assembly served, which amount shall be equal to the pro rata portion of the biennial assembly so served. The total amount of vesting service provided for in this subdivision shall be used to calculate the deferred normal annuity or deferred partial annuity to which such member is entitled based on the member's creditable service, which includes all service designated as vesting service under this subdivision, the member's average compensation, and the law in effect at the time the member's employment was terminated.

3. Any member whose employment terminated on or after October 1, 1984, but before September 28, 1992, and who was other than a member of the general assembly and who has five or more years of vesting service as an employee at the date of termination of employment shall be entitled to a deferred partial annuity based on the member's creditable service, average compensation, and the law in effect at the time the member's employment was terminated, in the following amounts:

(1) An employee with at least five years of vesting service, but less than six years, is entitled to fifty percent of the amount payable as a deferred normal annuity;

(2) An employee with six years of vesting service, but less than seven years, is entitled to sixty percent of the amount payable as a deferred normal annuity;

(3) An employee with seven years of vesting service, but less than eight years, is entitled to seventy percent of the amount payable as a deferred normal annuity;

(4) An employee with eight years of vesting service, but less than nine years, is entitled to eighty percent of the amount payable as a deferred normal annuity;

(5) An employee with nine years of vesting service, but less than ten years, is entitled to ninety percent of the amount payable as a deferred normal annuity.

4. Any member whose employment terminated on or after September 28, 1992, and who was other than a member of the general assembly and who has five or more years of vesting service as an employee at the date of termination of employment shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation, and the law in effect at the time the member's employment was terminated.

5. Any member who is entitled to a deferred normal annuity as provided in subsection 1, 2, 3, or 4 of this section and who reenters the service of a department and again becomes a member of the system [for one or more continuous years of membership service] shall have the member's prior period of vesting service combined with the member's current membership service, so that any benefits that may become payable under this system by reason of the member's retirement or subsequent withdrawal will recognize such prior period of vesting service.

6. (1) A vested member, an administrative law judge or legal advisor as defined in section 287.812, RSMo, or a judge as defined in section 476.515, RSMo, who has terminated all employment with the state of Missouri for a period of six months or longer, may make a one-time election for the system to pay the present value of a deferred annuity or a benefit as defined in section 287.812, RSMo, or section 476.515, RSMo, if the amount of such terminated member's or

person's creditable service is less than ten years, and if such terminated member or person is not within five years of eligibility for receiving an annuity or benefit. Any such member, administrative law judge, legal advisor or judge who terminates employment on or after August 28, 1997, shall be eligible for the one-time election provided for in this subsection only if the present value of the deferred annuity does not exceed ten thousand dollars. The present value shall be actuarially determined by the system. Except as provided in subdivision (2) of this subsection, any payment so made shall be a complete discharge of the existing liability of the system with respect to such terminated member or person.

(2) Upon subsequent employment [for a period of twelve consecutive months] in a position covered under a system administered by the Missouri state employees' retirement system, the employee, administrative law judge or judge may elect, within [ninety days after such twelve-month period] **one year of such employment**, to purchase creditable service equal to the amount of creditable service surrendered due to a payment as specified in this subsection. The cost of such purchase shall be actuarially determined by the system, and shall be paid over a period of not longer than two years from the date of election, with interest on the unpaid balance.

7. Any individual, covered by a retirement plan identified in chapter 104, chapter 287 or chapter 476, RSMo, who terminated employment prior to August 28, 1993, shall, upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the court from which the person retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such requests. As compensation for such services, the consultant shall be eligible to purchase or transfer, prior to retirement, creditable service as set forth in section 105.691, RSMo.

**104.344. MEMBER ENTITLED TO PURCHASE PRIOR CREDITABLE SERVICE FOR NONFEDERAL FULL-TIME PUBLIC EMPLOYMENT OR CONTRACTUAL SERVICES — METHOD, PERIOD, LIMITATION.** — Notwithstanding any other law to the contrary, any person who is actively employed by the state of Missouri in a position covered by a retirement plan administered by the Missouri state employees' retirement system and who had nonfederal full-time public employment in the state of Missouri **or who had provided full-time services for compensation to the state of Missouri under a contract**, and who by virtue of such employment was a member of a retirement system **or other employer-sponsored retirement plan** other than the Missouri state employees' retirement system but is not vested in such other retirement system **or plan**, or was not a member of any retirement system **or plan**, may elect, prior to retirement, to purchase up to four years of creditable prior service for such service [as defined in this section] **in any plan administered by the Missouri state employees' retirement system in which the person is receiving service credit for active employment or is eligible for a deferred annuity**. The purchase shall be effected by the [member] **person** paying to the

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Missouri state employees' retirement system an amount equal to what would have been contributed by the state in his or her behalf had the person been a member for the period for which he or she is electing to purchase credit and had the [member's] **person's** compensation during such period been the same as the annual salary rate at which the person was initially employed [as a member of] **in a position covered by a plan administered by** the Missouri state employees' retirement system, with the calculations based on the contribution rate in effect on the date of his or her employment under the provisions of the Missouri state employees' retirement system with simple interest calculated from the date of employment from which the [member] **person** could first receive creditable service from the Missouri state employees' retirement system to the date of election to purchase such service. The payment shall be made over a period of not longer than two years, with simple interest on the unpaid balance. In no event shall any [member] **person** receive credit or benefits under any other retirement plan as defined pursuant to section 105.691, RSMo, for creditable service purchased pursuant to the provisions of this section. **The contribution rate for any judge who elects to purchase service for a period prior to July 1, 1998, shall be equal to a contribution rate which would be used if the judicial system were funded on an actuarial basis prior to that date.**

**104.345. CIRCUIT CLERKS ENTITLED TO PRIOR SERVICE CREDIT, WHEN — CERTAIN CIRCUIT CLERKS TO BE APPOINTED CONSULTANTS, DUTIES, COMPENSATION TO BE CREDITABLE SERVICE, WHEN — CLERKS ENTITLED TO REFUND OF CONTRIBUTION, PROCEDURE, ALSO ENTITLED TO PRIOR SERVICE CREDIT.**— 1. Any circuit clerk holding office or employment as such on or after August 28, 1989, for service rendered as an employee of any county or other political subdivision for the purposes of performing duties for the judicial system, is entitled to creditable prior [services] **service** under the provisions of this chapter in the Missouri state employees' retirement system, provided such period of service has not been included for purposes of qualification for any other retirement system.

2. Any member who was a circuit clerk on July 1, 1980, and whose employment as a circuit clerk terminated prior to October 1, 1989, upon application to the board shall be made, constituted, appointed, and employed by the board as a special consultant on the problems of retirement for the remainder of the person's life. Upon request of the board, the consultant shall give opinions or be available to give opinions in writing or orally in response to such requests. As compensation, the consultant shall receive creditable service for service rendered as a circuit clerk, deputy circuit clerk or division clerk, if:

- (1) The member does not receive credit for the same period of service under more than one retirement system;
- (2) The person made application to the board for such creditable prior service within ninety days of October 1, 1989; and
- (3) The person establishes proof of such service to the satisfaction of the board.

Such person shall be a member of the Missouri state employees' retirement system and be entitled to a normal annuity or to a deferred normal annuity, based on the

person's creditable service and the law in effect at the time service as a circuit clerk was terminated.

3. Notwithstanding any provision of law to the contrary, any person who is an employee on August 28, 1990, who was a circuit clerk, deputy circuit clerk or division clerk on June 30, 1981, employed by a county which participated in the local government employees' retirement system under sections 70.600 to 70.755, RSMo, or which paid to the Missouri state employees' retirement system to actuarially fund the creditable prior service of such clerk, and such person elected to receive creditable prior service under this system by waiving rights to [his] **the person's** accumulated contributions made or accrued while such person was a county employee or who made payment to the county as reimbursement for the costs incurred by the county to actuarially fund the creditable prior service for such person which were received by this system under the provisions of this section in effect when such person became a member, upon written application filed with the board, shall be eligible to receive a refund of such accumulated contributions or payment amount. Members receiving such a refund shall not forfeit any service presently credited the member under this system but in no event shall a member receive credit for the same period of service under more than one retirement system.

4. Any **actively employed** member of the Missouri state employees' retirement system on or after [October 1, 1989, who has or attains one or more years of membership service] **August 28, 2000**, shall be entitled to creditable prior service for service rendered as a circuit clerk, deputy circuit clerk or division clerk, if:

- (1) The service had not become vested in a county or city retirement plan;
- (2) The person made application to the board for such creditable prior service [within ninety days of October 1, 1989, or within ninety days of the completion of one year of membership service, whichever later occurs]; and
- (3) The person establishes proof of such service to the satisfaction of the board.

**104.350. WITHDRAWAL FROM SERVICE, WHEN, REENTRY AFTER WITHDRAWAL, HOW MADE — FORFEITURE AND REINSTATEMENT OF CREDITABLE SERVICE.** — 1. Upon withdrawal from service, any member who is not entitled to a normal annuity, deferred normal annuity or disability benefits pursuant to the provisions of this chapter shall forfeit all rights in the fund, including the member's accrued creditable service as of the date of the member's withdrawal.

2. A former employee who is [an employee on October 1, 1984, or who becomes an employee after October 1, 1984,] **employed on or after August 28, 2000**, who has forfeited service shall have the forfeited period of service restored [upon completion of one year of continuous service].

**104.372. GENERAL ASSEMBLY MEMBERS AND ELECTIVE STATE OFFICERS, SURVIVOR'S INCOME PAYMENTS, WHEN, AMOUNT — DEATH BEFORE RETIREMENT SURVIVOR'S BENEFIT — CREDITABLE PRIOR SERVICE FOR CERTAIN**

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**TEACHERS EMPLOYED BY STATE — SURVIVING SPOUSE, SPECIAL CONSULTANT.**

— 1. (1) In the event a person who served as a member of the general assembly or in an elective state office on or after September 1, 1976, and who retired after September 1, 1976, dies, a survivor's income in an amount equal to fifty percent of the monthly annuity the retired member was receiving at the time of the member's death shall be paid in monthly installments to such deceased retired member's surviving spouse; provided such surviving spouse [had been] **was** married to the deceased retired member of the general assembly or elected official [continuously for a period of at least two years immediately prior to] **on** the date of the member's death; or if there is no surviving spouse eligible to receive such survivor's income, then such survivor's income shall be payable to any children under the age of twenty-one of the deceased member of the general assembly or elective official in equal shares in a total amount equal to such survivor's income that would otherwise have been paid to the surviving spouse until the children reach twenty-one years of age. The benefits shall be funded as provided in section 104.436; or

(2) Upon the death of a person who served as a member of the general assembly or in an elective state office on or after September 1, 1976, and who retired pursuant to the provisions of this chapter on or after September 1, 1976, and who terminated employment before August 28, 1988, such deceased retired member's surviving spouse, who [had been] **was** married to the deceased retired member [continuously for a period of at least two years immediately prior to] **on** the date of the member's death, may apply to the board of trustees and shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the surviving spouse's life, and upon request of the board shall give opinions, and be available to give opinions in writing, or orally, in response to such requests. As compensation for such services, beginning the first of the month following application, such surviving spouse shall receive monthly an amount equal to fifty percent of the monthly annuity the retired member was receiving at the time of the member's death.

2. If a member of the general assembly who has served in at least three full biennial assemblies dies before retirement, pursuant to the provisions of sections 104.312 to 104.801, a survivor's benefit shall be paid in an amount equal to fifty percent of the member's accrued annuity calculated as if the member were of normal retirement age as of the member's death. The survivor's benefit shall be paid in monthly installments to such deceased member's surviving spouse; provided such surviving spouse [had been] **was** married to the deceased member of the general assembly [continuously for a period of at least two years immediately prior to] **on** the date of the member's death; or if there is no surviving spouse eligible to receive such survivor's benefit, such survivor's benefit shall be payable to any children under the age of twenty-one of the deceased member of the general assembly in equal shares in a total amount equal to such survivor's benefit that would otherwise have been paid to the surviving spouse until the children reach twenty-one years of age.

3. In the event a person who has held one or more statewide state elective offices for a total of at least twelve years, and whose retirement benefits have been

calculated and are being paid pursuant to the provisions of section 104.371, dies, a survivor's benefit in an amount equal to fifty percent of the benefits being paid the member pursuant to section 104.371 shall be paid to the member's surviving spouse. The survivor's benefits shall be paid in the manner provided in section 104.371.

4. Every member of the state employees' retirement system who had previous state employment by a state agency by virtue of which the person was a member of the public school retirement system of Missouri and has previously withdrawn the person's employee contribution to the public school retirement system shall upon request if qualified pursuant to the provisions of this subsection receive creditable prior service in the state employees' retirement system for such service notwithstanding any other provisions of law. The public school retirement system shall pay to the state employees' retirement system an amount equal to the contribution paid to the public school retirement system on behalf of the employee by the employee's employer, and the commissioner of administration shall pay an equal amount to the state employees' retirement system from funds appropriated from the general revenue fund for such purpose. In no event shall any person receive credit for the same period of service under more than one retirement system.

5. Upon the death of a person who served as a member of the general assembly or in an elective state office [and who retired pursuant to the provisions of this chapter on or] before September 1, 1976, **and who retired and chose a normal annuity pursuant to the provisions of this chapter**, such deceased retired member's surviving spouse, who [had been] **was** married to the [deceased retired] member [continuously for a period of at least two years immediately prior to] **on** the date of the member's death, may apply to the board of trustees and shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters for the remainder of the surviving spouse's life, and upon request of the board shall give opinions, and be available to give opinions in writing, or orally, in response to such requests. As compensation for such services, beginning the first of the month following application, such surviving spouse shall receive monthly an amount equal to fifty percent of the monthly annuity the retired member was receiving at the time of the member's death.

**104.380. RETIRED MEMBERS ELECTED TO STATE OFFICE, EFFECT OF — REEMPLOYMENT OF RETIRED MEMBERS, PAYMENT OF ANNUITY.** — If a retired member is elected to any state office or is appointed to any state office or is employed by a department in a position normally requiring the performance by the person of duties during not less than one thousand hours per year, the member shall not receive an annuity for any month or part of a month for which the member serves as an officer or employee, but the member shall be considered to be a new employee with no previous creditable service and must accrue creditable service [of one or more years after such employment] in order to receive any additional annuity. Any [employed] retired member who [has one or more years of] **again becomes an employee and who accrues additional** creditable service [after such

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employment] and later retires shall receive an additional amount of monthly annuity calculated to include only the creditable service and the average compensation earned by the member since such employment **or creditable service earned as a member of the general assembly. Years of membership service and twelfths of a year are to be used in calculating any additional annuity except for creditable service earned as a member of the general assembly, and such additional annuity shall be based on the type of service accrued.** In either event, the original annuity and the additional annuity, if any, shall be paid commencing with the end of the first month after the month during which the member's term of office has been completed, or the member's employment terminated. If a retired member is employed by a department in a position that does not normally require the person to perform duties during at least one thousand hours per year, the member shall not be considered an employee as defined pursuant to section 104.010.

**104.395. OPTIONS AVAILABLE TO MEMBERS IN LIEU OF NORMAL ANNUITY — SPOUSE AS DESIGNATED BENEFICIARY, WHEN — STATEMENT THAT SPOUSE AWARE OF RETIREMENT PLAN ELECTED — REVERSION OF AMOUNT OF BENEFIT, CONDITIONS — SPECIAL CONSULTANT, COMPENSATION — ELECTION TO BE MADE, WHEN.** — 1. In lieu of the normal annuity otherwise payable to a member pursuant to section 104.335, 104.374 or 104.400, and prior to the last business day of the month before the annuity starting date pursuant to section 104.401, a member shall elect whether or not to have such member's normal annuity reduced as provided by the options set forth in this section; provided that if such election has not been made within such time, annuity payments due beginning on and after such annuity starting date shall be made the month following the receipt by the system of such election, and further provided, that if such person dies after such annuity starting date but before making such election, no benefits shall be paid except as required pursuant to section 104.420:

Option 1. An actuarial reduction approved by the board of the member's annuity in reduced monthly payments for life during retirement with the provision that upon the member's death the reduced annuity at the date of the member's death shall be continued throughout the life of, and be paid to, the member's spouse to whom the member was married at the date of retirement and who was nominated by the member to receive such payments in the member's application for retirement **or as otherwise provided under subsection 5 of this section.** Such annuity shall be reduced in the same manner as an annuity under option 2 as in effect immediately prior to August 28, 1997. The surviving spouse shall designate a beneficiary to receive any final monthly payment due after the death of the surviving spouse; or

Option 2. The member's normal annuity in regular monthly payments for life during the member's retirement with the provision that upon the member's death a survivor's benefit equal to one-half the member's annuity at the date of the member's death shall be paid to the member's spouse to whom the member was married at the date of retirement and who was nominated by the member to receive such payments in the member's application for retirement **or as otherwise provided under subsection 5 of this section,** in regular monthly payments for life.

The surviving spouse shall designate a beneficiary to receive any final monthly payment due after the death of the surviving spouse; or

Option 3. An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member having received one hundred twenty monthly payments of the member's reduced annuity, the member's reduced annuity to which the member would have been entitled had the member lived shall be paid for the remainder of the one hundred twenty months' period to such person as the member shall have nominated by written designation duly executed and filed with the board. If there is no such beneficiary surviving the retirant, the reserve for such annuity for the remainder of such one hundred twenty months' period shall be paid to the retirant's estate. If such beneficiary dies after the member's date of death but before having received the remainder of the one hundred twenty monthly payments of the retiree's reduced annuity, the reserve for such annuity for the remainder of such one hundred twenty month period shall be paid to the beneficiary's estate; or

Option 4. An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member having received sixty monthly payments of the member's reduced annuity, the member's reduced annuity to which the member would have been entitled had the member lived shall be paid for the remainder of the sixty months' period to such person as the member shall have nominated by written designation duly executed and filed with the board. If there be no such beneficiary surviving the retirant, the reserve for such annuity for the remainder of such sixty months' period shall be paid to the retirant's estate. If such beneficiary dies after the member's date of death but before having received the remainder of the sixty monthly payments of the retiree's reduced annuity, the reserve for such annuity for the remainder of the sixty month period shall be paid to the beneficiary's estate.

2. Effective July 1, 2000, if a member is married as of the annuity starting date to a person who has been the member's spouse [for at least one year immediately preceding such annuity starting date], the member's annuity shall be paid pursuant to the provisions of either option 1 or option 2 as set forth in subsection 1 of this section, at the member's choice, with the spouse as the member's designated beneficiary unless the spouse consents in writing to the member electing another available form of payment. [If a member has been married less than one year at the annuity starting date and does not elect an option, the annuity shall be paid as a normal annuity.]

3. For members who retire on or after August 28, 1995, in the event such member elected a joint and survivor option under the provisions of this section and the member's eligible spouse or eligible former spouse precedes the member in death, the member's annuity shall revert effective the first of the month following the death of the spouse or eligible former spouse regardless of when the board receives the member's written application for the benefit provided in this subsection, to an amount equal to the member's normal annuity, as adjusted for early retirement if applicable; such benefit shall include any increases the member

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would have received since the date of retirement had the member elected a normal annuity.

4. Effective on or after August 28, 1995, any retired member who had elected a joint and survivor option and whose spouse or eligible former spouse precedes or preceded the member in death, shall upon application to the board be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters. As a special consultant pursuant to the provisions of this section, the member's reduced annuity shall revert to a normal annuity as adjusted for early retirement, if applicable, effective the first of the month following the death of the spouse or eligible former spouse or August 28, 1995, whichever is later, regardless of when the board receives the member's written application; such annuity shall include any increases the retired member would have received since the date of retirement had the member elected a normal annuity.

5. Effective July 1, 2000, a member may make an election under option 1 or 2 after the date retirement benefits are initiated if the member [has been married for at least one year prior to such election and] makes such election within [six months of becoming eligible to make such election] **one year from the date of marriage or July 1, 2000, whichever is later**, under any of the following circumstances:

- (1) The member elected to receive a normal annuity and was not eligible to elect option 1 or 2 on the date retirement benefits were initiated; or
- (2) The member's annuity reverted to a normal annuity pursuant to subsection 3 or 4 of this section and the member remarried.

**6. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters, and for such services shall be eligible to elect to receive the benefits described in subsection 5 of this section.**

**104.420. DEATH BEFORE RETIREMENT, MEMBER OR DISABLED MEMBER — SURVIVING SPOUSE TO RECEIVE BENEFITS — IF NO QUALIFYING SURVIVING SPOUSE, CHILDREN'S BENEFITS. —** 1. Unless otherwise provided by law, if a member or disabled member has five or more years of vesting service and dies prior to retirement, regardless of the age of the member at the time of death, the member's or disabled member's surviving spouse, to whom the member or disabled member was married [for at least the two consecutive years immediately prior to] **on** the date of the member's death, if any, shall receive the reduced survivorship benefits provided in option 1 of section 104.395 calculated as if the member were of normal retirement age and had retired as of the date of the member's death and had elected option 1.

2. If there is no eligible surviving spouse, the member's or disabled member's eligible surviving children under twenty-one years of age shall receive monthly, in equal shares, an amount equal to one-half of the member's or disabled member's accrued annuity calculated as if the member or disabled member were of a normal retirement age and retired as of the date of death. Benefits otherwise payable to a child under eighteen years of age shall be payable to the surviving parent as natural

guardian of such child if such parent has custody or assumes custody of such minor child, or to the legal guardian of such child, until such child attains age eighteen; thereafter, the benefit may be paid to the child until age twenty-one.

3. No benefit is payable pursuant to this section if no eligible surviving spouse or children under twenty-one years of age [survives] **survive** the member or disabled member. Benefits cease pursuant to this section when there is no eligible surviving beneficiary through either death of the eligible surviving spouse or through either death or the attainment of twenty-one years of age by the eligible surviving children. If the member's or disabled member's surviving children are receiving equal shares of the benefit described in subsection 2 of this section, and one or more of such children become ineligible by reason of death or the attainment of twenty-one years of age, the benefit shall be reallocated so that the remaining eligible children receive equal shares of the total benefit as described in subsection 2 of this section.

4. For the purpose of computing the amount of an annuity payable pursuant to this section, if the board finds that the death was the natural and proximate result of a personal injury or disease arising out of and in the course of the member's actual performance of duty as an employee, then the minimum annuity to such member's surviving spouse or, if no surviving spouse benefits are payable, the minimum annuity that shall be divided among and paid to such member's surviving children shall be fifty percent of the member's final average compensation. The vesting service requirement of subsection 1 of this section shall not apply to any annuity payable pursuant to this subsection.

**104.517. LIFE INSURANCE BENEFITS, EMPLOYEES COVERED — CERTAIN DEPARTMENTS AND HIGHWAY PATROL MAY ELECT COVERAGE — AMOUNT — ADDITIONAL INSURANCE BY PAYROLL DEDUCTIONS, MAXIMUM — RETENTION OF COVERAGE ON RETIREMENT, COST DEDUCTED FROM RETIREMENT BENEFITS — DEATH BENEFITS FOR SPECIAL CONSULTANTS.** — 1. The board shall provide or contract, or both, for life insurance benefits for employees pursuant to sections 104.320 to 104.540, persons covered by sections 287.812 to 287.855, RSMo, and for employees who are members of the judicial retirement system as provided in section 476.590, RSMo, and at the election of the state highways and transportation commission shall include employees who are members of the state transportation department employees' and highway patrol retirement system as follows:

(1) Employees are entitled to fifteen thousand dollars of life insurance **until December 31, 2000. Effective January 1, 2001, the system shall provide or contract or both for basic life insurance for employees covered under any retirement plan administered by the system pursuant to this chapter, persons covered by sections 287.812 to 287.856, RSMo, for employees who are members of the judicial retirement system as provided in section 476.590, RSMo, and, at the election of the state highways and transportation commission, employees who are members of the highways and transportation employees' and highway patrol retirement system, in an amount equal to one times annual pay, subject to a minimum amount of fifteen thousand dollars. The board shall establish by rule or contract the method for determining the**



**annual rate of pay and any other terms of such insurance as it deems necessary to implement the requirements pursuant to this section. Annual rate of pay shall not include overtime or any other irregular payments as determined by the board.** Such life insurance shall provide for triple indemnity in the event the cause of death is a proximate result of a personal injury or disease arising out of and in the course of actual performance of duty as an employee. [Coverage shall be effective on the first day of the month coinciding with or next following the employee's date of membership;

(2)] **2.** [Life insurance benefits shall cease on the date of termination of employment and] A conversion of such life insurance benefits shall be available. However, a member eligible to receive a lump sum death benefit as provided in subsection 4 of section 104.515 shall be entitled to convert any amount of terminated life insurance benefit in excess of the benefit provided in said section.

[2.] **3. (1)** In addition to the life insurance authorized by the provisions of subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, additional life insurance at a cost to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees determines that the system should provide such insurance itself. The maximum amount of additional life insurance which may be so purchased on or after January 1, 1998, is that amount which equals six times the amount of the person's annual [compensation] **rate of pay**, except that if such maximum amount is not evenly divisible by one thousand dollars, then the maximum amount of additional insurance which may be purchased is the next higher amount evenly divisible by one thousand dollars. The selection of a private insurance company to provide this life insurance shall be on the basis of competitive bidding.

(2) Any person defined in subdivision (1) of this subsection retiring on or after September 1, 1988, may retain an amount not to exceed ten thousand dollars of life insurance following the date of his or her retirement if such person makes written application for such life insurance at the same time such person's application is made to the board for retirement benefits. Any person, defined in subdivision (1) of this subsection, retiring on or after May 1, 1996, may retain an amount not to exceed sixty thousand dollars of life insurance following the date of the person's retirement if such person makes written application for such life insurance at the same time such person applies to the board for retirement benefits. Such life insurance shall only be provided if such person pays the entire cost of the insurance, as determined by the board, by allowing voluntary deductions from the member's monthly retirement benefits.

(3) Effective January 1, 1998, in addition to the life insurance authorized in subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, life insurance covering the person's children or the person's spouse or both the person's children and the person's spouse at coverage amounts to be determined by the board at a cost to be stipulated in a contract with a private insurance company or as may

be required by the system if the board of trustees determines that the system should provide such insurance itself.

**4. The highways and transportation employees' and highway patrol retirement system shall provide or contract or both for the death benefit for special consultants in subsection 4 of section 104.515. The highways and transportation employees' and highway patrol retirement system may request the state highways and transportation commission to administer the death benefit. If the state highways and transportation commission accepts the obligation to administer the death benefit, the highways and transportation employees' and highway patrol retirement system shall reimburse the state highways and transportation commission for any costs or expenses of administering the death benefit.**

**104.610. SPECIAL CONSULTANTS, EMPLOYMENT AS, WHEN — COMPENSATION, HOW, CALCULATION OF — SEVERABILITY PROVISIONS — FORMER MEMBERS AS SPECIAL CONSULTANTS, WHEN — CERTAIN SPECIAL CONSULTANTS MAY BE ELIGIBLE FOR SURVIVOR BENEFITS.** — 1. Any person, who is receiving or hereafter may receive state retirement benefits from the Missouri state employees' retirement system other than a person with twelve or more years of service in statewide state elective office receiving benefits pursuant to the provisions of section 104.371, a legislators' retirement system, or the **highways and transportation** [department] employees' and highway patrol retirement system, upon application to the board of trustees of the system from which he or she is receiving retirement benefits, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received on his or her retirement, shall be equal to the state retirement benefits the person would be receiving currently if the person had benefited from changes in the law effecting increases in the rate in the formula for calculating benefits in his or her respective retirement system, for his or her type of employment or for those persons having accrued thirty-five or more years of creditable service, changes in the law pertaining to the age and service requirements for a normal annuity in his or her respective retirement system, made subsequent to the date of his or her retirement; except that in calculating such benefits the meaning of "average compensation" shall be that ascribed to it by the law in effect on the date on which the benefits pursuant to this section are calculated.

2. In lieu of any other benefits pursuant to the provisions of this section, any member of the Missouri state employees' retirement system who has or may hereafter retire pursuant to the provisions of section 104.371, pertaining to those members who have held statewide state elective office for at least twelve years, may apply pursuant to this section to be employed as a special consultant and for

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such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received initially on his or her retirement, shall be equal to the state retirement benefits the person would be receiving if the person had benefited from changes in the law affecting increases in compensation for statewide state elective offices, pursuant to house substitute for senate bill no. 528, second regular session of the eighty-second general assembly, any other provisions of the law to the contrary notwithstanding.

3. This compensation shall be consolidated with any other retirement benefits payable to the person, and shall be funded as provided in section 104.436.

4. This compensation shall be treated as any other state retirement benefits payable by the Missouri state employees' retirement system or the **highways and transportation** [department] employees' and highway patrol retirement system are treated and shall not be subject to execution, garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and shall be unassignable, anything to the contrary notwithstanding.

5. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits pursuant to this chapter, or in any way have the effect of reducing retirement benefits, anything to the contrary notwithstanding.

6. In order to determine the total monthly state retirement compensation due each retiree who is eligible for the additional amount provided for in subsection 1 of this section, the following formula shall be used:

(1) The retiree's base monthly retirement compensation shall be determined by dividing the sum of the retiree's annual normal annuity as of the effective date of any increase in the rate in the formula for calculating benefits in his or her respective retirement system plus any annual increases granted such retiree as a result of his or her being a consultant, by twelve;

(2) The amount determined pursuant to subdivision (1) of this subsection shall be increased by an amount equal to the base monthly retirement compensation calculated pursuant to subdivision (1) of this subsection multiplied by the percentage increase in the rate in the formula;

(3) The sum obtained from completing the calculations contained in subdivisions (1) and (2) of this subsection shall be the retiree's new total monthly state retirement compensation. Any retiree who is eligible for the benefit provided in subsection 1 of this section whose benefit pursuant to subsection 1 of this section was not calculated in accordance with the procedure provided in this subsection shall have his or her total monthly retirement compensation for all months beginning on or after September 28, 1985, recalculated in accordance with this subsection.

7. The provisions of this section are severable. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional or otherwise invalid, the remaining provisions of this section are valid unless the court finds that such valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

8. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special

consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be eligible to elect to receive a retirement annuity pursuant to the year 2000 plan as provided in this chapter.

**9. Effective August 28, 2000, any person otherwise eligible for survivor benefits due to the death of a member prior to retirement, who was married less than two years to the member at the time of the member's death, shall, upon application to the board, be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. As a special consultant pursuant to the provisions of this subsection, the person shall begin to receive a survivor benefit in a monthly amount equal to what the system would have paid the person had the person been eligible for such survivor benefit upon the death of the member. Such benefit shall commence the first of the month following receipt by the system of an application from such person, but not earlier than September 1, 2000. In no event shall any retroactive benefits be paid.**

**104.1015. ELECTION INTO YEAR 2000 PLAN, EFFECT OF — COMPARISON OF PLANS PROVIDED — CALCULATION OF ANNUITY.—** 1. Persons covered by a closed plan on July 1, 2000, shall elect whether or not to change to year 2000 plan coverage. Any such person who elects to be covered by the year 2000 plan shall forfeit all rights to receive benefits under this chapter except as provided under the year 2000 plan and all creditable service of such person under the closed plan shall be credited under the year 2000 plan. Any such person who elects not to be covered by the year 2000 plan shall waive all rights to receive benefits under the year 2000 plan. In no event shall any retroactive annuity be paid to such persons pursuant to sections 104.1003 to 104.1093 except as described in subsection 2 of this section.

2. Each retiree of the closed plan on July 1, 2000, shall be furnished by the appropriate system a written comparison of the retiree's closed plan coverage and the retiree's potential year 2000 plan coverage. A retiree shall elect whether or not to change to year 2000 plan coverage by making a written election, on a form furnished by the appropriate board, and providing that form to the system by no later than twelve months after July 1, 2000, and any retiree who fails to make such election within such time period shall be deemed to have elected to remain covered under the closed plan; provided the election must be after the retiree has received from the appropriate system such written comparison. The retirement option elected under the year 2000 plan shall be the same as the retirement option elected under the closed plan [unless such retirement option is not available under the year 2000 plan], **except any retiree who is receiving one of the options providing for a continuing lifetime annuity to a surviving spouse under the closed plan may elect to receive an annuity under option 1 or 2 of section 104.1027, or a life annuity under subsection 2 of section 104.1024, provided the person who was married to the member at the time of retirement, if any, consents in writing to**

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such election made pursuant to section 104.1024, or to any election described in this section if the person was married to a member of the Missouri state employees' retirement system. The effective date of payment of an annuity under the year 2000 plan as provided in this subsection shall begin on July 1, 2000. No adjustment shall be made to retirement benefits paid to the retiree prior to July 1, 2000. In order to calculate a new monthly annuity for retirees electing coverage under the year 2000 plan pursuant to this subsection, the following calculations shall be made:

(1) Except as **otherwise** provided in [subdivision (5) of] this subsection, the retiree's gross monthly retirement annuity in effect immediately prior to July 1, 2000, shall be multiplied by the percentage increase in the life annuity formula between the closed plan and the year 2000 plan. This amount shall be added to the retiree's gross monthly retirement annuity in effect immediately prior to July 1, 2000, to arrive at the retiree's new monthly retirement annuity in the year 2000 plan on July 1, 2000. The age of eligibility and reduction factors applicable to the retiree's original annuity under the closed plan shall remain the same in the annuity payable under the year 2000 plan, except as provided in subdivision (2) of this subsection.

(2) If [an optional form of payment was] **option 1 or 2 pursuant to section 104.1027** is chosen by the retiree [and is available] under the year 2000 plan, the new monthly retirement annuity calculated pursuant to subdivision (1) of this subsection shall be recalculated using the reduction factors **for the option chosen** pursuant to section 104.1027. [If the optional form of payment was chosen by the retiree and is not available under the year 2000 plan, the retiree's annuity shall be recalculated pursuant to subdivision (1) of this subsection, provided that, if the retiree has chosen or is receiving an unreduced annuity prior to July 1, 2000, with a provision that upon the member's death a survivor's benefit equal to one-half the member's annuity at the date of the member's death shall be paid to the member's spouse to whom the member was married at the date of retirement, then such retiree's annuity shall be recalculated using the reduction factors pursuant to option 1 in subsection 1 of section 104.1027.]

(3) If a temporary annuity is payable pursuant to subsection 4 of section 104.1024 the additional temporary annuity shall be calculated by multiplying the retiree's credited service by the retiree's final average pay by eight-tenths of one percent.

(4) Cost-of-living adjustments paid pursuant to section 104.1045 will commence on the anniversary of the retiree's annuity starting date coincident with or next following July 1, 2000.

(5) Any retiree or other person described in this section who elects coverage under the year 2000 plan based on service rendered as a member of the general assembly or as a statewide elected official shall receive an annuity under the year 2000 plan calculated pursuant to the provisions of section 104.1084 using the current monthly pay at the time of the election with future COLAs calculated pursuant to subsection 7 of section 104.1084.

3. Each person who is an employee and covered by the closed plan and not a retiree of the closed plan on July 1, 2000, shall elect whether or not to change to

year 2000 plan coverage prior to the last business day of the month before the person's annuity starting date, and if such election has not been made within such time, annuity payments due beginning on and after the month of the annuity starting date shall be made the month following the receipt by the appropriate system of such election and any other information required by the year 2000 plan created by sections 104.1003 to 104.1093; provided, such election must be after the person has received from the year 2000 plan a written comparison of the person's closed plan coverage and the person's potential year 2000 plan coverage and the election must be made in writing on a form furnished by the appropriate board. If such person dies after the annuity starting date but before making such election and providing such other information, no benefits shall be paid except as required pursuant to section 104.420 **or subsection 2 of section 104.372 for members of the general assembly.**

4. Each person who is not an employee and not a retiree and is eligible for a deferred annuity from the closed plan on July 1, 2000, shall elect whether or not to change to the year 2000 plan coverage prior to the last business day of the month before the person's annuity starting date, and if such election has not been made within such time, annuity payments due beginning on and after the month of the annuity starting date shall be made the month following the receipt by the appropriate system of such election and any other information required by the year 2000 plan created by sections 104.1003 to 104.1093; provided, the election must be after the person has received from the year 2000 plan a written comparison of the person's closed plan coverage and the person's potential year 2000 plan coverage and the election must be made in writing on a form furnished by the appropriate board. If such person dies after the annuity starting date but before making such election and providing such other information, no benefits shall be paid except as required pursuant to section 104.420 **or subsection 2 of section 104.372 for members of the general assembly.**

5. Each person who is not an employee and not a retiree and is eligible for a deferred annuity from the closed plan and returns to covered employment on or after July 1, 2000, shall be covered under the closed plan; provided, such person shall elect whether or not to change to the year 2000 plan coverage prior to the last business day of the month before the person's annuity starting date, and if such election has not been made within such time, annuity payments due beginning on and after the month of the annuity starting date shall be made the month following the receipt by the appropriate system of such election and any other information required by the year 2000 plan created by sections 104.1003 to 104.1093 and the election must be after the person has received from the year 2000 plan a written comparison of the person's closed plan coverage and the person's potential year 2000 plan coverage and the election must be made in writing on a form furnished by the appropriate board. If such person dies after the annuity starting date but before making such election and providing such other information, no benefits shall be paid except as required under section 104.420 **or subsection 2 of section 104.372 for members of the general assembly.**

6. Each person who is not an employee and not a retiree and not eligible for a deferred annuity from the closed plan but has forfeited creditable service with the

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closed plan and becomes an employee after July 1, 2000, shall be changed to year 2000 plan coverage upon such return and receive credited service for all such forfeited creditable service under the closed plan.

**7. Each person who was employed as a member of the general assembly through December 31, 2000, covered under the closed plan, and has served at least two full biennial assemblies as defined in subdivision (24) of subsection 1 of section 104.010 but who is not eligible for a deferred annuity under the closed plan shall be eligible to receive benefits under the new plan pursuant to subdivision (5) of subsection 2 of this section upon meeting the age requirements under the new plan.**

[7.] 8. The retirees and persons described in subsections 2 and 4 of this subsection shall be eligible for benefits under those subsections pursuant to subsection 8 of section 104.610.

**104.1024. RETIREMENT, APPLICATION — ANNUITY PAYMENTS, HOW PAID, AMOUNT.**— 1. Any member who terminates employment may retire on or after attaining normal retirement eligibility by making application in written form and manner approved by the appropriate board. The written application shall set forth the annuity starting date which shall be not less than thirty days nor more than ninety days subsequent to the execution and filing of the member's application for retirement.

2. A member's annuity shall be paid in the form of a life annuity, except as provided in section 104.1027, and shall be an amount for life equal to one and seven-tenths percent of the final average pay of the member multiplied by the member's years of credited service.

3. The life annuity defined in subsection 2 of this section shall not be less than a monthly amount equal to fifteen dollars multiplied by the member's **full** years of credited service.

4. If as of the annuity starting date of a member who has attained normal retirement eligibility the sum of the member's years of age and years of credited service equals eighty or more years and if the member's age is at least fifty years but less than sixty-two years, **or, in the case of a member of the highway patrol who shall be subject to the mandatory retirement provision of section 104.080, the mandatory retirement age and completion of five years of credited service,** then in addition to the life annuity described in subsection 2 of this section, the member shall receive a temporary annuity equal to eight-tenths of one percent of the member's final average pay multiplied by the member's years of credited service. The temporary annuity and any cost-of-living adjustments attributable to the temporary annuity pursuant to section 104.1045 shall terminate at the end of the calendar month in which the earlier of the following events occurs: the member's death or the member's attainment of the earliest age of eligibility for reduced Social Security retirement benefits.

5. The annuity described in subsection 2 of this section for any person who has credited service not covered by the federal Social Security Act, as provided in sections 105.300 to 105.445, RSMo, shall be calculated as follows: the life annuity shall be an amount equal to two and five-tenths percent of the final average pay of

the member multiplied by the number of years of service not covered by the federal Social Security Act in addition to one and seven-tenths percent of the final average pay of the member multiplied by the member's years of credited service covered by the federal Social Security Act.

**104.1027. OPTIONS FOR ELECTION OF ANNUITY REDUCTION — SPOUSE'S BENEFITS.**— 1. Prior to the last business day of the month before the annuity starting date, a member or a vested former member shall elect whether or not to have such member's or such vested former member's life annuity reduced, but not any temporary annuity which may be payable, and designate a beneficiary, as provided by the options set forth in this section; provided that if such election has not been made within such time, annuity payments due beginning on and after the month of the annuity starting date shall be made the month following the receipt by the appropriate system of such election and any other information required by the year 2000 plan created by sections 104.1003 to 104.1093, and further provided, that if such person dies after the annuity starting date but before making such election and providing such other information, no benefits shall be paid except as required under section 104.1030:

Option 1. A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable. Such percent shall be ninety percent adjusted as follows: if the retiree's age on the annuity starting date is younger than sixty-two years, an increase of three-tenths of one percent for each year the retiree's age is younger than age sixty-two years, to a maximum increase of three and six-tenths percent; and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of three-tenths of one percent for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting date, an increase of three-tenths of one percent for each year of age difference; provided, after all adjustments the option 1 percent cannot exceed ninety-five percent. Upon the retiree's death, fifty percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity starting date [provided the retiree was married to said spouse for at least one year immediately preceding the annuity starting date] **or as otherwise provided by subsection 5 of this section.**

Option 2. A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable. Such percent shall be eighty- three percent adjusted as follows: if the retiree's age on the annuity starting date is younger than sixty-two years, an increase of four-tenths of one percent for each year the retiree's age is younger than sixty-two years, to a maximum increase of four and eight-tenths percent; and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of five-tenths of one percent for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting date, an increase of five-tenths of one percent for each year of age difference; provided, after all adjustments the option 2 percent cannot exceed ninety percent. Upon the retiree's death one hundred percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity starting date [provided the retiree was married to said spouse for at least

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one year immediately preceding the annuity starting date] **or as otherwise provided by subsection 5 of this section.**

Option 3. A retiree's life annuity shall be reduced to ninety-five percent of the annuity otherwise payable. If the retiree dies before having received one hundred twenty monthly payments, the reduced annuity shall be continued for the remainder of the one hundred twenty month period to the retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value of the remaining annuity payments shall be paid to the retiree's estate. If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred twenty monthly payments, the present value of the remaining annuity payments shall be paid to the beneficiary's estate.

Option 4. A retiree's life annuity shall be reduced to ninety percent of the annuity otherwise payable. If the retiree dies before having received one hundred eighty monthly payments, the reduced annuity shall be continued for the remainder of the one hundred eighty month period to the retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value of the remaining annuity payments shall be paid to the retiree's estate. If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred eighty monthly payments, the present value of the remaining annuity payments shall be paid to the beneficiary's estate.

2. If a member is married as of the annuity starting date [to a person who has been the member's spouse for at least one year immediately preceding said annuity starting date], the member's annuity shall be paid under the provisions of either option 1 or option 2 as set forth in subsection 1 of this section, at the member's choice, with the spouse as the member's designated beneficiary unless the spouse consents in writing to the member electing another available form of payment. [If a member has been married less than one year at the annuity starting date and does not elect an option, the annuity shall be paid as a life annuity.]

3. If a member has elected at the annuity starting date option 1 or 2 pursuant to this section and if the member's spouse or eligible former spouse dies after the annuity starting date but before the member dies, then the member may cancel the member's election and return to the life annuity form of payment and annuity amount, effective the first of the month following the date of such spouse's or eligible former spouse's death.

4. If a member designates a spouse as a beneficiary under this section and subsequently that marriage ends as a result of a dissolution of marriage, such dissolution shall not affect the option election pursuant to this section and the former spouse shall continue to be eligible to receive survivor benefits upon the death of the member.

5. **Effective July 1, 2000**, a member may make an election under option 1 or 2 after the annuity starting date as described in this section if the member [has been married for at least one year prior to such election and] makes such election within [six months of becoming eligible to make such election] **one year from the date of marriage or July 1, 2000, whichever is later**, pursuant to any of the following circumstances:

(1) The member elected to receive a life annuity and was not eligible to elect option 1 or 2 on the annuity starting date; or

(2) The member's annuity reverted to a normal or early retirement annuity pursuant to subsection 3 of this section, and the member remarried.

**104.1042. LONG-TERM DISABILITY, EFFECT ON RETIREE'S ANNUITY. — 1.**

Any member who is in the Missouri state employees' retirement system pursuant to the year 2000 plan created by sections 104.1003 to 104.1093 and who becomes disabled and qualifies for long-term disability benefits and retires after August 28, 1999, or who becomes disabled and qualifies for long-term disability benefits under a program provided by the member's employing department and retires after August 28, 1999, shall continue to accrue credited service and such member's rate of pay for purposes of calculating an annuity pursuant to the year 2000 plan created by sections 104.1003 to 104.1093 shall be the member's regular monthly pay received at the time of disablement, increased thereafter for any increases in the consumer price index. Such increases in the member's monthly pay shall be made annually beginning twelve months after disablement and shall be equal to eighty percent of the increase in the consumer price index during the calendar year prior to the adjustment, but not more than five percent of the member's monthly pay immediately before the increase. Such accruals shall continue until the earliest of receipt of an early retirement annuity, attainment of normal retirement eligibility, or termination of disability benefits.

2. A member described in subsection 1 of this section who continues to be disabled until normal retirement eligibility may elect an annuity starting date upon termination of disability payments and shall receive a normal retirement annuity provided for in section 104.1024[; provided, if federal Social Security disability benefits were paid during the disability period, then no temporary annuity otherwise payable shall be paid].

3. If the member's disability terminates, disability accruals described in subsection 1 of this section shall terminate.

4. Upon termination of disability payments and not returning to a position in which the member is an employee, the member's rights to plan benefits shall be determined as if the member had terminated employment at time of termination of disability payments.

5. Any member who was disabled under the closed plan prior to July 1, 2000, and who returns to a position in which the member is an employee after July 1, 2000, shall be covered under the closed plan and shall be eligible to elect coverage under the new plan as provided by subsection 5 of section 104.1015.

**104.1072. LIFE INSURANCE BENEFITS — MEDICAL INSURANCE FOR CERTAIN RETIREES. — 1.** Each board shall provide or contract, or both, for life insurance benefits for employees covered pursuant to the year 2000 plan as follows:

(1) Employees shall be provided fifteen thousand dollars of life insurance **until December 31, 2000. Effective January 1, 2001, the system shall provide or contract or both for basic life insurance for employees covered under any retirement plan administered by the system pursuant to this chapter, persons**

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covered by sections 287.812 to 287.856, RSMo, for employees who are members of the judicial retirement system as provided in section 476.590, RSMo, and, at the election of the state highways and transportation commission, employees who are members of the highways and transportation employees' and highway patrol retirement system, in the amount equal to one times annual pay, subject to a minimum amount of fifteen thousand dollars. The board shall establish by rule or contract the method for determining the annual rate of pay and any other terms of such insurance as it deems necessary to implement the requirements pursuant to this section. **Annual rate of pay shall not include overtime or any other irregular payments as determined by the board.** Such life insurance shall provide for triple indemnity in the event the cause of death is a proximate result of a personal injury or disease arising out of and in the course of actual performance of duty as an employee[. Coverage shall be effective on the first day of the calendar month coinciding with or next following the employee's date of membership];

(2) Upon a member terminating employment and becoming a retiree the month following termination of employment, five thousand dollars of life insurance shall be provided.

2. (1) In addition to the life insurance authorized by the provisions of subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, additional life insurance at a cost to be stipulated in a contract with a private insurance company or as may be required by a system if the board of trustees determines that the system should provide such insurance itself. The maximum amount of additional life insurance which may be so purchased is that amount which equals six times the amount of the person's annual rate of pay, subject to any maximum established by a board, except that if such maximum amount is not evenly divisible by one thousand dollars, then the maximum amount of additional insurance which may be purchased is the next higher amount evenly divisible by one thousand dollars.

(2) Any person defined in subdivision (1) of this subsection may retain an amount not to exceed sixty thousand dollars of life insurance following the date of his or her retirement if such person becomes a retiree the month following termination of employment and makes written application for such life insurance at the same time such person's application is made to the board for retirement benefits. Such life insurance shall only be provided if such person pays the entire cost of the insurance, as determined by the board, by allowing voluntary deductions from the member's annuity.

(3) In addition to the life insurance authorized in subdivision (1) of this subsection, any person for whom life insurance is provided or contracted for pursuant to this subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, life insurance covering the person's children or the person's spouse or both at coverage amounts to be determined by the board at a cost to be stipulated in a contract with a private insurer

or as may be required by the system if the board of trustees determines that the system should provide such insurance itself.

(4) Effective July 1, 2000, any member who applies and is eligible to receive a temporary annuity pursuant to subsection 4 of section 104.1024 shall be eligible to retain any optional life insurance described in subdivision (1) of this subsection. The amount of such retained insurance shall not be greater than the amount in effect during the month prior to termination of employment. Such insurance may be retained until the temporary annuity terminates, at which time the amount of such insurance that may be retained shall be that amount permitted pursuant to subdivision (2) of this subsection.

3. The state highways and transportation commission may provide for insurance benefits to cover medical expenses for members of the **highways and transportation [department] employees'** and highway patrol retirement system. The state highways and transportation commission may provide medical benefits for dependents of members and for retired members. Contributions by the state highways and transportation commission to provide the insurance benefits shall be on the same basis as provided for other state employees pursuant to the provisions of section 104.515. Except as otherwise provided by law, the cost of benefits for dependents of members and for retired members and their dependents shall be paid by the members. The state highways and transportation commission may contract for all, or any part of, the insurance benefits provided for in this section. If the state highways and transportation commission contracts for insurance benefits, or for administration of the insurance plan, such contracts shall be entered into on the basis of competitive bids.

**4. The highways and transportation employees' and highway patrol retirement system may request the state highways and transportation commission to provide life insurance benefits as required in subsections 1 and 2 of this section. If the state highways and transportation commission agrees to the request, the highways and transportation employees' and highway patrol retirement system shall reimburse the state highways and transportation commission for any and all costs for life insurance provided pursuant to subdivision (1) of subsection 1 of this section. The person who is covered pursuant to subsection 2 of this section shall be solely responsible for the costs of any additional life insurance.**

**104.1090. ADDITIONAL CREDITED SERVICE, WHEN.—** 1. Any member who as described in subdivision (1) of subsection 1 of section 104.1009 has been employed in a position covered by the system for at least ten or more years and has received credited service for such employment in the year 2000 plan shall receive additional credited service for previous public employment within the state covered by another retirement plan as defined in section 105.691, RSMo, if all of the following conditions are met:

- (1) Such member has a vested right to receive a retirement benefit from the other retirement plan at the time of application pursuant to this section;
  - (2) The other retirement plan transfers to the system an amount equal to the employee's **account balance under a defined contribution plan or the amount**
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**equal to the employee's pension benefit obligation under a defined benefit plan** at the time of transfer to the extent that obligation is funded as of the plan's most recent actuarial valuation, not to exceed one hundred percent, as determined by the other retirement plan's actuary using the same assumption used in performing the last regular actuarial valuation of the transferring plan, except that in no event shall the transferred amount be less than the employee's accumulated contributions on deposit with the transferring plan;

(3) No such credited service remains credited in such other retirement plan; and

(4) The member applies for the additional credited service **prior to the members's annuity starting date** in manner and form established by the appropriate board. Such additional credited service shall be added to the credited service in the first position of employment held as a member of the system.

**2. Any member described in subsection 3 of section 104.1015 who elects to be covered by the year 2000 plan shall be eligible to receive service under the terms and conditions of subsection 1 of this section.**

**168.021. ISSUANCE OF TEACHERS' LICENSES — EFFECT OF CERTIFICATION IN ANOTHER STATE AND SUBSEQUENT EMPLOYMENT IN THIS STATE. — 1.**

Certificates of license to teach in the public schools of the state shall be granted as follows:

- (1) By the state board, under rules and regulations prescribed by it,
  - (a) Upon the basis of college credit;
  - (b) Upon the basis of examination;
- (2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctor of philosophy degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to section 168.033 if appropriate, and shall be restricted to those certificates established pursuant to subdivisions (1) and (2) of subsection 4 of this section; or
- (3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:
  - (a) Recommendation of a state-approved baccalaureate level teacher preparation program;
  - (b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee, shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held.

3. Any teacher holding a third class county certificate in the state during the 1972-73 school year shall upon his written request be given an examination by a person designated by the state commissioner of education to determine his eligibility to be granted a certificate of license to teach. The examination shall be comparable to those given by county superintendents to eligible applicants prior to July 1, 1974. Upon successful completion of the examination the applicant shall be issued a certificate by the state board of education entitling the holder to teach in the public schools of the state for a period of three years. A request for such examination must be presented to the commissioner of education on or before March first of the year in which the examination is to be administered. The commissioner of education shall cause the examination to be administered and the certificate issued to those successfully completing it prior to April first of the year in which the application for the examination was received.

4. After September 1, 1988, certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall provide for levels of certification including, but not limited to, an initial professional certificate and culminating with a continuous professional certificate:

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education;

(2) One or more levels of renewable professional certificates shall be issued upon verification of completion of criteria established by the state board of education;

(3) The continuous professional certificate shall be issued upon verification of completion of criteria, which shall not exceed a master's degree or its equivalent and ten years' employment in an educational position, established by the state board of education. The continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines.

5. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures for a teacher who has not been employed in an educational position for three years or more for reasons other than reduction in force.

6. The state board shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in

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the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach.

**7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his/her original date of employment in a Missouri public school.**

**169.060. RETIREMENT AND DISABILITY.** — 1. On and after the first day of July next following the operative date, any member who is sixty or more years of age and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more, or whose creditable service is thirty years or more regardless of age, may retire upon written application to the board of trustees and receive the full retirement benefits on the member's creditable service. Any other member whose creditable service is twenty-five or more years, or who has attained age fifty-five and whose creditable service is at least five years but less than twenty-five years, may retire upon written application to the board of trustees and receive the actuarial equivalent of the benefit to which the member would be entitled if the member was sixty years of age.

2. On and after the first day of July next following the operative date, any member who is teaching in a district included in the retirement system at the time the member becomes disabled, or who has taught in such a district at some time in the twelve months immediately preceding the member becoming disabled, and whose disability is traceable to an injury or sickness which was sustained or commenced prior to the cessation of such teaching, and whose age is less than sixty and whose creditable service in districts included in the retirement system is five years or more, may be retired with disability benefits as provided in sections 169.010 to 169.141 upon written application to the board of trustees, if the member is incapacitated because of physical or mental disability as such disability is herein defined. If such disability shall cease to exist before the recipient of such benefits reaches age sixty, the member's membership status as of the date of the member's disability retirement shall be restored. If the member seeks, before becoming eligible for such retirement allowance, to withdraw the member's accumulated contributions, the total of such disability payments shall be deducted from the amount otherwise due the member.

3. Disability, as a basis for retirement, shall render the individual incapable of earning a livelihood in any occupation and shall be of such a nature as to warrant the assumption that it will be permanent. Whether or not such disability exists in any case shall be adjudged in the manner provided in subsection 15 of section 169.020 by the board of trustees on the basis of reports made by two or more physicians selected by the board to examine the member. Until the member reaches age sixty, the recipient of a disability retirement allowance may be required to submit to periodic examinations by physicians selected by the board, and if any

such examination shows that the recipient is no longer incapable of earning a livelihood in any occupation, the member's disability retirement shall be terminated. **For the purposes of adjustments to Social Security Administration disability benefits pursuant to 20 CFR 404.408 any member receiving disability benefits pursuant to this section who is at least fifty-five years of age and whose creditable service is at least twenty- five years shall be considered to be receiving a normal retirement benefit pursuant to this section.**

**169.070. RETIREMENT ALLOWANCES, HOW COMPUTED, ELECTION ALLOWED, TIME PERIOD — OPTIONS — EFFECT OF FEDERAL O.A.S.I. COVERAGE — COST-OF-LIVING ADJUSTMENT AUTHORIZED — LIMITATION OF BENEFITS — EMPLOYMENT OF SPECIAL CONSULTANT, COMPENSATION, MINIMUM BENEFITS.**

— 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member's final average salary:

(1) Two and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years.

In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:

(3) Between July 1, 1998, and July 1, [2000] **2003**, two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;

(4) Between July 1, 1998, and July 1, [2000] **2003**, two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained age fifty-five;

(5) Between July 1, 1998, and July 1, [2000] **2003**, two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;

(6) Between July 1, 1998, and July 1, [2000] **2003**, two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;

(7) Between July 1, 1998, and July 1, [2000] **2003**, two and two-tenths percent of the member's final average salary for each year of membership service, if the

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member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

- (1) Sixty cents plus one and five-tenths percent of the member's final average salary for each year of membership service;
- (2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;
- (3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called "option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1;

OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no

beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred twenty monthly payments shall be paid to the estate of the last person to receive a monthly allowance;

OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the reserve of the remainder of such sixty monthly payments shall be paid to the estate of the last person to receive a monthly allowance.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's primary beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the member. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's primary beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the estate of the individual, if there be no beneficiary. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual

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is less than the total of the contributions, the difference shall be paid to the estate of the beneficiary unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or to the estate of the member, if there be no beneficiary; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the estate of the beneficiary.

6. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

7. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

8. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

9. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo 1969, shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

10. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

12. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board; with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, **or in the case of any member retiring on or after July 1, 2000, and not for any member retiring before July 1, 2000, the increase provided for in this subsection shall not become effective until the**

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**third January first following the member's retirement.** Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed [seventy-five] **eighty** percent of the retirement allowance established at retirement or as previously adjusted by other subsections. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

13. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 12 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

14. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

15. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which would have been paid to him or her up to the time of application.

16. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code.

17. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in

accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

- (1) Thirty or more years of service, one thousand two hundred dollars;
- (2) At least twenty-five years but less than thirty years, one thousand dollars;
- (3) At least twenty years but less than twenty-five years, eight hundred dollars;
- (4) At least fifteen years but less than twenty years, six hundred dollars.

18. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service, have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 12 of this section.

19. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received.

20. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the person shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

21. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be

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made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service.

**22. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a payment equivalent to three and five-tenths percent of the previous month's benefit, which shall be added to the member or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received.**

**169.075. SURVIVORS' BENEFITS, OPTIONS — PURCHASE OF PRIOR SERVICE CREDITS FOR PREVIOUS SERVICE IN ANOTHER MISSOURI PUBLIC SCHOOL RETIREMENT SYSTEM, COST — MONTHLY RETIREMENT ALLOWANCE — SPECIAL CONSULTANT QUALIFICATION, COMPENSATION, DUTIES.** — 1. Certain survivors specified in this section and meeting the requirements of this section may elect to forfeit any payments payable pursuant to subsection 3 or 5 of section 169.070 and to receive certain other benefits described in this section upon the death of a member prior to retirement, except retirement with disability benefits, whose period of creditable service in districts included in the retirement system is two years or more and who dies (a) while teaching in a district included in the retirement system, or (b) as a result of an injury or sickness incurred while teaching in such a district and within one year of the commencement of such injury or sickness, or (c) while eligible for a disability retirement allowance hereunder.

2. Upon an election pursuant to subsection 1 of this section, a surviving spouse sixty years of age, or upon attainment of age sixty, or a surviving spouse who has been totally and permanently disabled for not less than five years immediately preceding the death of a member if designated as the sole beneficiary, and if married to the member at least three years, and if living with such member at the time of the member's death, shall be entitled to a monthly payment equal to twenty percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year of creditable service as a teacher in a district included in the retirement system until death or recovery prior to age sixty from the disability which qualified the spouse for the benefit, whichever first occurs; provided that the monthly payment shall not be less than five hundred seventy-five dollars or more than eight hundred sixty dollars. A surviving spouse, who is eligible for benefits pursuant to this subsection and also pursuant to subsection 3 of this section may receive benefits only pursuant to subsection 3 of this section as long as the surviving spouse remains eligible pursuant to both subsections, but shall not be disqualified for the benefit provided in this subsection

because the surviving spouse may have received payments pursuant to subsection 3 of this section.

3. Upon an election pursuant to subsection 1 of this section, a surviving spouse, if designated as the sole beneficiary, who has in the surviving spouse's care a dependent unmarried child, including a stepchild or adopted child, of the deceased member, under eighteen years of age, shall be entitled to a monthly payment equal to twenty percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year of creditable service as a teacher in a district included in the retirement system until the surviving spouse's death, or the first date when no such dependent unmarried child under age eighteen, or age twenty-four if the child is enrolled in school on a full-time basis, remains in the surviving spouse's care, whichever first occurs; provided that the monthly payment shall not be less than five hundred seventy-five dollars or more than eight hundred sixty dollars. In addition the surviving spouse shall be entitled to a monthly payment equal to one-half this amount, provided that the monthly payment shall not be less than three hundred dollars, for each such dependent unmarried child under eighteen years of age, or age twenty-four if the child is enrolled in school on a full-time basis, who remains in the surviving spouse's care. Further, in addition to the monthly payment to the surviving spouse as provided for in this subsection, each dependent unmarried child under the age of eighteen years of the deceased member not in the care of such surviving spouse shall be entitled to a monthly payment equal to one-half of the surviving spouse's monthly payment which shall be paid to the child's primary custodial parent or legal guardian; provided that the payment because of an unmarried dependent child shall be made until the child attains age twenty-four if the child is enrolled in school on a full-time basis; provided, however, that the total of all monthly payments to the surviving spouse, primary custodial parent or legal guardian, including payments for such dependent unmarried children, shall in no event exceed two thousand one hundred sixty dollars, the amount of the children's share to be allocated equally as to each dependent unmarried child eligible to receive payments pursuant to this subsection.

4. Upon an election pursuant to subsection 1 of this section if the designated beneficiary is a dependent unmarried child as defined in this section or automatically upon the death of a surviving spouse receiving benefits pursuant to subsection 3 of this section, each surviving dependent unmarried child, including a stepchild or adopted child, of the deceased member, under eighteen years of age, or such a child under age twenty-four if the child is enrolled in school on a full-time basis, shall be entitled to a monthly payment equal to sixteen and two-thirds percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year of creditable service as a teacher in a district included in the retirement system until death, marriage, adoption, or attainment of age eighteen or age twenty-four if enrolled in school on a full-time basis, whichever first occurs; provided that the monthly payment shall not be less than five hundred dollars or more than seven hundred twenty dollars, and provided further that any child of the deceased member who is disabled before attainment of age eighteen because of a physical or mental impairment which renders the child unable to engage in any substantial gainful activity and which disability continues after the child has

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attained age eighteen shall be entitled to a like monthly payment, until death, marriage, adoption, or recovery from the disability, whichever first occurs; provided, however, that the total of all monthly payments to the surviving dependent unmarried children shall in no event exceed two thousand one hundred sixty dollars.

5. Upon an election pursuant to subsection 1 of this section, a surviving dependent parent of the deceased member, over sixty-five years of age or upon attainment of age sixty-five if designated as the sole beneficiary, provided such dependent parent was receiving at least one-half of the parent's support from such member at the time of the member's death and provided the parent files proof of such support within two years of such death, shall be entitled to a monthly payment equal to sixteen and two-thirds percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year as a teacher in a district included in the retirement system until death; provided that the monthly payment shall not be less than five hundred dollars or more than seven hundred twenty dollars. If the other parent also is a dependent, as defined in this section, the same amount shall be paid to each until death.

6. All else in this section to the contrary notwithstanding, a survivor may not be eligible to benefit pursuant to this section because of more than one terminated membership, and be it further provided that the board of trustees shall determine and decide all questions of doubt as to what constitutes dependency within the meaning of this section.

7. The provisions added to subsection 3 of this section in 1991[, other than the provisions increasing dollar limitations,] are intended to clarify the scope and meaning of this section as originally enacted and shall be applied in all cases in which such an election has occurred or will occur.

**8. After July 1, 2000, all benefits payable pursuant to subsections 1 to 7 of this section shall be payable to eligible current and future survivor beneficiaries in accordance with this section.**

9. The system shall pay a monthly retirement allowance for the month in which a retired member, beneficiary or survivor receiving a retirement allowance or survivor benefit dies.

**169.600. DEFINITIONS.** — As used in sections 169.600 to 169.710, unless the context clearly requires otherwise, the following words and phrases mean:

(1) "Accumulated contributions", the sum of the annual contributions a member has made to the retirement system through deductions from the member's salary, plus interest compounded annually on each year's contributions from the end of the school year during which such contributions were made;

(2) "Average compensation", as used in subdivision (3) of subsection 1 of section 169.670, shall be the total compensation paid to a member for any ten consecutive years of creditable service, or for the entire period of creditable service if less than ten years, prior to July 1, 1973, divided by one hundred twenty or by the number of months in the member's period of creditable service if less than ten years; provided, that in determining the total compensation, any annual

compensation entering into the total shall not be less than one thousand two hundred dollars and shall not exceed ten thousand dollars;

(3) "Board", the board of trustees provided for in section 169.020;

(4) "Creditable service", prior service or membership service or the sum of the two if the member has both to the member's credit;

(5) "Employee", any person regularly employed by a public school district, junior college district or by the board of trustees, as defined in sections 169.600 to 169.710, who devotes at least twenty hours per week to such employment in a position which is not covered by the public school retirement system of Missouri; provided, however, that no person shall be required to contribute to, or shall receive benefits from both the retirement system herein established and the public school retirement system of Missouri for the same services;

(6) "Employer", the district or other employer that makes payment directly to the employee for the employee's services;

(7) "Final average salary", the total compensation paid to a member for any [five] **three** consecutive years of creditable service divided by [sixty] **thirty-six**; provided, that in determining the total compensation, any annual compensation less than one thousand two hundred dollars shall be regarded as one thousand two hundred dollars and an annual compensation for services prior to July 1, 1973, in excess of ten thousand dollars shall be regarded as ten thousand dollars; and provided, that the board may set a maximum percentage of increase in annual compensation from one year to the next in the final average salary period;

(8) "Junior college district", any public junior college district organized and operated pursuant to the provisions of sections 178.770 to 178.890, RSMo, which enters into an agreement with the board of trustees of the retirement system to include its eligible employees in the system immediately upon the effective date of the agreement;

(9) "Member", a person who holds membership in the retirement system;

(10) "Membership service", service rendered by a member of the system after the system becomes operative;

(11) "Prior service", service rendered by a member of the retirement system before the system becomes operative and may include service as a teacher for which credit has not been claimed from the public school retirement system of Missouri;

(12) "Public school district" or "district", any duly constituted public school district under the authority and supervision of a duly elected district or city or town board of directors or board of education, except those school districts defined in sections 169.270 and 169.410;

(13) "Retirement allowance", a monthly payment for life, during retirement;

(14) "Retirement system" or "system", the nonteacher school employee retirement system of Missouri created by sections 169.600 to 169.710;

(15) "Salary", "salary rate" or "compensation" shall mean the regular remuneration which is earned by a member as an employee of a district, but not including employer-paid fringe benefits except the value of employer-paid medical benefits (including dental and vision) for members, and not including consideration for agreeing to retire or other nonrecurring or unusual payments that are not a part

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of regular remuneration. The board by its rules may further define salary, salary rate and compensation in a manner consistent with this definition and with sections 169.600 to 169.715;

(16) "School year", the year from July first of one year to June thirtieth of the next year, inclusive, which shall also be the fiscal year of the system.

**169.620. CONTRIBUTIONS BY MEMBERS AND EMPLOYERS — RATE — PENALTY FOR FAILURE TO REMIT — BENEFITS TO BE REDUCED, WHEN — PURCHASE OF SERVICE CREDIT, CERTAIN MEMBERS, HOW.**— 1. The funds required for the operation of the retirement system created by sections 169.600 to 169.715 shall come from contributions made in equal amounts by employees as herein defined and their employers, beginning November 1, 1965, and from such interest or income as may be derived from the investment of funds of the system. All contributions shall be transmitted to the board of trustees by employers in such manner and at such times as the board by rule shall require.

2. For each school year following the date on which the system becomes operative, each and every employer of one or more persons who are members of the system shall transmit to the board of trustees, in the manner and accompanied by such supporting data as the board shall prescribe, twice the amount that is deductible from the pay of such employee or employees during the school year. Failure or refusal to transmit such amount as required shall render the person or persons responsible therefor individually liable for twice the amount so withheld. Suits for the recovery of amounts for which individuals are thus rendered liable shall be instituted and prosecuted by the board of trustees in the name of the retirement system. In addition to such civil penalty, and not in lieu thereof, any person or persons made responsible for the remittance of contributions who shall willfully and knowingly fail or refuse to transmit such contributions or any part thereof to the board of trustees shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars and not more than two hundred dollars. Each day such person or persons shall so fail or refuse to transmit such contributions shall be deemed a separate offense. The board of trustees may request the employer to provide the information necessary to administer the system and to advise each member of such member's status.

3. The contributions of members of the retirement system shall be collected by their employers through appropriate deductions from paychecks. The total amount deducted from the paychecks of members during any school year shall equal such a percent of their salary rates as may be required by the contribution rate then in effect. For contribution purposes any annual salary rate less than one thousand two hundred dollars shall be regarded as one thousand two hundred dollars. Contributions transmitted to the retirement system before February 20, 1996, based on salary rates which either included or excluded employer-paid medical benefits for members, shall be deemed to have been in compliance with this section. The retirement system shall not refund or adjust contributions or adjust benefit determinations with respect to any period before February 20, 1996, solely because of the treatment of employer-paid medical benefits for members.

Effective December 31, 1995, compensation in excess of the limitations set forth in section 401(a)(17) of title 26 of the United States Code shall be disregarded for purposes of determining contributions pursuant to this section and calculating benefits paid by the nonteacher school employee retirement system of Missouri. The limitation on compensation for eligible employees shall not be less than the amount which was allowed to be taken into account under the system as in effect on July 1, 1993. For the purpose of this subsection, an "eligible employee" is an individual who was a member of the system before July 1, 1996.

4. The contribution rate shall be three percent of earnings until July 1, 1982. [After July 1, 1982,] The board of trustees is authorized to fix the level rate of contribution, which shall not exceed [four and one-half] **five** percent, required for the operation of the system and to make adjustments in such rate as may thereafter be necessary; provided that, if the level rate required for the operation of the system shall exceed [four and one-half] **five** percent for five consecutive years, all benefits herein provided shall be equitably reduced to such an extent that the rate required for the operation of the system shall be [four and one-half] **five** percent.

5. Regardless of the provisions of any law governing compensation and contracts, every employee shall be deemed to consent and agree to the deductions provided herein. Payment of salary or compensation less such deduction shall be a full and complete discharge of all salary or compensation claims and demands during the period covered by such payment, except as to the benefits provided pursuant to sections 169.600 to 169.715.

6. A person serving as an employee as defined in section 169.600, who became a member after November 1, 1965, and before July 1, 1974, and who was regularly employed to serve for twenty or more hours per week at some time during the period November 1, 1965, to July 1, 1974, may receive membership service credit for such service by paying into the system the amount, with interest at such rate as may be set by the board within the limits set by law for interest rates, the person would have contributed had the person been eligible for membership.

7. Any member who rendered service as an employee as defined in section 169.600 for a junior college district at any time between October 31, 1965, and the effective date of an agreement between the junior college and the board of trustees as provided in section 169.600 may elect to purchase membership service credit for that service. The election shall include all service for which the member is eligible to purchase credit, and shall be made prior to retirement. The purchase shall be effected by the member's paying to the system with interest, and within the time period allowed by law for the election, the contributions which would have been deducted from the employee's salary had the employee been a member during the period or periods of such service, and had the contribution rate in effect at the date of election been in effect at the time the service was rendered. Other provisions of law to the contrary notwithstanding, no membership credit shall be allowed pursuant to the provisions of this section which exceeds in length the member's creditable service for employment rendered after October 31, 1965.

**169.663. DISABILITY RETIREMENT, WHEN — RETURN TO DUTY, EFFECT OF DISABILITY PAYMENTS — DISABILITY DEFINED.** — 1. On or after July first next

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following October 13, 1969, any member who is serving an employer included in the system at the time the member becomes disabled, or who has served in such a district at some time in the twelve months immediately preceding the member's becoming disabled, and whose disability is traceable to an injury or sickness which was sustained or commenced prior to the cessation of such service, and whose age is less than sixty and whose creditable service is five years or more, may be retired with disability benefits upon written application to the board of trustees, if the member is incapacitated because of physical or mental disability as such disability is herein defined. If such disability shall cease to exist before the recipient of such benefits reaches age sixty, the member's membership status as of the date of the member's disability retirement shall be restored. If the member dies before becoming eligible for a retirement allowance, or if the member seeks to withdraw the member's accumulated contributions, the total of such disability payments shall be deducted from the amount otherwise due the member, the member's beneficiary, or the member's estate.

2. "Disability", as a basis for retirement, shall render the individual incapable of earning a livelihood in any occupation and shall be of such nature as to warrant the assumption that it will be permanent. Whether or not such disability exists, in any case, shall be adjudged in the manner provided in subsection 15 of section 169.020 by the board of trustees on the basis of evidence that the board by its regulations may require.

**3. For the purposes of adjustments to Social Security Administration disability benefits pursuant to 20 CFR 404.408 any member receiving disability benefits pursuant to this section who is at least fifty-five years of age and whose creditable service is at least twenty-five years shall be considered to be receiving a normal retirement benefit pursuant to this section.**

**169.670. BENEFITS, HOW COMPUTED — BENEFICIARY BENEFITS, OPTIONS, ELECTION OF.**— 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, **or whose sum of age and creditable service equals eighty years or more,** [or who has attained the age of fifty-five years of age and has at least twenty-five years of creditable service,] or whose creditable service is thirty years or more regardless of age, shall be the sum of the following items:

(1) For each year of membership service, one and [forty-five] **fifty-one** hundredths percent of the member's final average salary;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service;

(3) Eighty-five one-hundredths of one percent of any amount by which the member's average compensation for services rendered prior to July 1, 1973, exceeds the average monthly compensation on which federal Social Security taxes were paid during the period over which such average compensation was computed, for each year of membership service credit for services rendered prior to July 1, 1973, plus six-tenths of the amount payable for a year of membership service for each year of prior service credit; [and]

(4) In lieu of the retirement allowance otherwise provided by subdivisions (1) to (3) of this subsection, between [July 1, 1996, and] July 1, 2000, **and July 1, 2003**, a member may elect to receive a retirement allowance of:

(a) One and [forty-three] **forty-nine** hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years and the member has not attained the age of fifty-five;

(b) One and [forty-one] **forty-seven** hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained the age of fifty-five;

(c) One and [thirty-nine] **forty-five** hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years and the member has not attained the age of fifty-five;

(d) One and [thirty-seven] **forty-three** hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years and the member has not attained the age of fifty-five;

(e) One and [thirty-five] **forty-one** hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years and the member has not attained the age of fifty-five[.]; **and**

**(5) In addition to the retirement allowance provided in subdivisions (1) to (3) of this subsection, a member retiring on or after July 1, 2000, whose creditable service is thirty years or more or whose sum of age and creditable service is eighty years or more, shall receive a temporary retirement allowance equivalent to four-tenths of one percent of the member's final average salary multiplied by the member's years of service until such time as the member reaches the minimum age for social security retirement benefits.**

2. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases five percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by five percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board; provided that, the increase provided in this subsection shall not become effective until the fourth January first following a member's retirement or January 1, 1982, whichever occurs later, and the total of the increases granted to a retired member or the beneficiary after December 31, 1981, may not exceed seventy-five percent of the retirement allowance established at retirement or as previously adjusted by other provisions of law. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

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3. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 2 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; provided that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1981.

4. (1) In lieu of the retirement allowance provided in subsection 1 of this section, called "option 1", a member whose creditable service is [thirty] **twenty-five** years or more or who has attained age fifty-five with five or more years of creditable service may elect, in the application for retirement, to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death, the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred twenty monthly payments shall be paid to the estate of the last person to receive a monthly allowance;

OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the reserve for the remainder of such sixty monthly payments shall be paid to the estate of the last person to receive a monthly allowance;

OR

Option 7. A plan of variable monthly benefit payments which provides, in conjunction with the member's retirement benefits under the federal Social Security laws, level or near-level retirement benefit payments to the member for life during retirement, and if authorized, to an appropriate beneficiary designated by the member. Such a plan shall be actuarially equivalent to the retirement allowance under option 1 and shall be available for election only if established by the board of trustees under duly adopted rules.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after attaining age fifty-five and acquiring five or more years of creditable service or after acquiring [thirty] **twenty-five** or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's primary beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship payments under option 2 or a payment of the member's accumulated contributions. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 of this section.

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than [thirty] **twenty-five** years of creditable service, and the person named as the primary beneficiary has an insurable interest in the life of the deceased member or disability retiree, the designated beneficiary may elect to receive either a payment of the person's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the person's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 of this section.

5. If the total of the retirement allowances paid to an individual before the person's death is less than the person's accumulated contributions at the time of the person's retirement, the difference shall be paid to the person's beneficiary or to the

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person's estate; provided, however, that if an optional benefit, as provided in option 2, 3 or 4 in subsection 4, had been elected and the beneficiary dies after receiving the optional benefit, then, if the total retirement allowances paid to the retired individual and the individual's beneficiary are less than the total of the contributions, the difference shall be paid to the estate of the beneficiary unless the retired individual designates a different recipient with the board at or after retirement.

6. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the member's death shall be paid to the member's beneficiary or to the member's estate, if there be no beneficiary; provided, however, that no such payment shall be made if the beneficiary elects option 2 in subsection 4 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the estate of the beneficiary.

7. If a member ceases to be an employee as defined in section 169.600 and certifies to the board of trustees that such cessation is permanent or if the person's membership is otherwise terminated, the person shall be paid the person's accumulated contributions with interest.

8. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, if a member ceases to be an employee as defined in section 169.600 after acquiring five or more years of creditable service, the member may, at the option of the member, leave the member's contributions with the retirement system and claim a retirement allowance anytime after the member reaches the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.600 to 169.715 on the basis of the member's age and years of service.

9. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty.

10. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, any member who is a member prior to October 13, 1969, may elect to have the member's retirement allowance computed in accordance with sections 169.600 to 169.715 as they existed prior to October 13, 1969.

11. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

12. Notwithstanding any other provision of law, any person retired prior to August 14, 1984, who is receiving a reduced retirement allowance under option 1 or 2 of subsection 4 of this section, as the option existed prior to August 14, 1984, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have the person's retirement allowance increased to the amount the person would have been receiving had the person not elected the option,

actuarially adjusted to recognize any excessive benefits which would have been paid to the person up to the time of the application.

13. Benefits paid pursuant to the provisions of the nonteacher school employee retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code.

14. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

**15. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to three and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.**

**173.003. RETIREMENT AND SEVERANCE POLICIES, UNIFORMITY REQUIREMENT.** — Retirement, severance and associated salary continuance policies and plans of approved public institutions, as defined in section 173.205, shall be applied uniformly, consistently and fairly to all similarly situated officials and employees of such approved public institutions; and no employee or official shall be singled out for retirement or severance benefits which are inconsistent with the formally adopted policies and plans of such approved public institutions.

**355.561. AMENDMENT TO ARTICLES BY BOARD OR MEMBERS.** — 1. Unless this chapter, the articles, bylaws, the members acting pursuant to subsection 2 of this section, or the board of directors acting pursuant to subsection 3 of this section, require a greater vote or voting by class, an amendment to a corporation's articles to be adopted must be approved:

(1) By the board if the corporation is a public benefit corporation, **other than a church or a convention or association of churches as described in subsection 6 of this section**, and the amendment does not relate to the number of directors, the composition of the board, the term of office of directors, or the method or way in which directors are elected or selected;

(2) Except as provided in subsection 1 of section 355.556, by the members by two-thirds of the votes cast or a majority of the voting power, whichever is less; and

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(3) In writing by any person or persons whose approval is required by a provision of the articles authorized by section 355.606.

2. The members may condition the amendment's adoption on receipt of a higher percentage of affirmative votes or on any other basis.

3. If the board initiates an amendment to the articles or board approval is required by subsection 1 of this section to adopt an amendment to the articles, the board may condition the amendment's adoption on receipt of a higher percentage of affirmative votes or any other basis.

4. If the board or the members seek to have the amendment approved by the members at a membership meeting, the corporation shall give notice to its members of the proposed membership meeting in writing in accordance with section 355.251. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the proposed amendment and contain or be accompanied by a copy or summary of the amendment.

5. If the board or the members seek to have the amendment approved by the members by written consent or written ballot, the material soliciting the approval shall contain or be accompanied by a copy or summary of the amendment.

**6. An amendment to the articles of a public benefit corporation, which is a church or a convention or association of churches, to be adopted must be approved:**

**(1) By the members by two-thirds of the votes cast or a majority of the voting power, whichever is less; and**

**(2) In writing by any person or persons whose approval is required by a provision of the articles or bylaws authorized by section 355.606.**

**355.596. AMENDMENT BY DIRECTORS AND MEMBERS.**— 1. Unless this chapter, the articles, bylaws, the members acting pursuant to subsection 2 of this section, or the board of directors acting pursuant to subsection 3 of this section, require a greater vote or voting by class, an amendment to a corporation's bylaws to be adopted must be approved:

(1) By the board if the corporation is a public benefit corporation, **other than a church or a convention or association of churches as described in subsection 6 of this section**, and the amendment does not relate to the number of directors, the composition of the board, the term of office of directors, or the method or way in which directors are elected or selected;

(2) By the members by two-thirds of the votes cast or a majority of the voting power, whichever is less; and

(3) In writing by any person or persons whose approval is required by a provision of the articles authorized by section 355.606.

2. The members may condition the amendment's adoption on its receipt of a higher percentage of affirmative votes or on any other basis.

3. If the board initiates an amendment to the bylaws or board approval is required by subsection 1 of this section to adopt an amendment to the bylaws, the board may condition the amendment's adoption on receipt of a higher percentage of affirmative votes or on any other basis.

4. If the board or the members seek to have the amendment approved by the members at a membership meeting, the corporation shall give notice to its members of the proposed membership meeting in writing in accordance with section 355.251. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider the proposed amendment and contain or be accompanied by a copy or summary of the amendment.

5. If the board or the members seek to have the amendment approved by the members by written consent or written ballot, the material soliciting the approval shall contain or be accompanied by a copy or summary of the amendment.

**6. An amendment to the bylaws of a public benefit corporation, which is a church or a convention or association of churches, to be adopted must be approved:**

**(1) By the members by two-thirds of the votes cast or a majority of the voting power, whichever is less; and**

**(2) In writing by any person or persons whose approval is required by a provision of the bylaws authorized by section 355.606.**

**476.687. PREVIOUS STATE EMPLOYMENT, ADDITIONAL CREDITED SERVICE.** — Any judge as defined in section 476.515 who is actively serving pursuant to this chapter or chapter 56, RSMo, and has served for at least ten years shall receive additional credited service for previous public employment with the state covered by another retirement plan as defined in section 105.691, RSMo, if all of the following conditions are met:

**(1) Such member has a vested right to receive a retirement benefit from the other retirement plan at the time of application pursuant to this section and is not a retiree under the other retirement plan;**

**(2) The other retirement plan transfers to the system an amount equal to the employee's account balance under a defined contribution plan or the amount equal to the employee's pension obligation under a defined benefit plan at the time of transfer to the extent that obligation is funded as of the plan's most recent actuarial valuation, not to exceed one hundred percent, as determined by the other retirement plan's actuary using the same assumption used in performing the last regular actuarial valuation of the transferring plan, except that in no event shall the transferred amount be less than the employee's accumulated contributions on deposit with the transferring plan;**

**(3) No such credited service remains credited in such other retirement plan;**

**(4) The member applies for the additional credited service in a manner and form established by the appropriate board.**

**476.690. ELIGIBLE JUDGE ELECTING NOT TO RETIRE SHALL RECEIVE IN ADDITION TO RETIREMENT COMPENSATION ALL ANNUAL COST-OF-LIVING INCREASES GIVEN TO RETIRED JUDGES — APPOINTMENT AS SPECIAL CONSULTANT.** — 1. Any judge who has become eligible to receive retirement compensation pursuant to section 476.520 and who has elected not to retire and has continued to serve as a judge after August 28, 1995, shall have added to the

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retirement compensation when the judge retires or dies an amount equal to the total of all annual cost-of-living increases that retired judges received between the time the judge first became eligible to retire and the year the judge actually retires or dies. In no event shall the total increase in compensation granted pursuant to this section and section 476.601 exceed sixty-five percent of the judge's retirement compensation calculated at the time of retirement or death.

2. Any judge who was eligible to retire on August 28, 1995, and elected to continue to serve as a judge after such date, but who retired before August 28, 1996, shall, upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the court from which the judge retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such request. As compensation for such services, the consultant shall have the retirement benefit recalculated from the date of the retirement, pursuant to the provisions of subsection 1 of this section.

**3. Any judge who retired prior to August 28, 1995, and who is receiving judicial retirement compensation on September 1, 2000, shall upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the judge's life. Upon request of the board or the court from which the judge retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such request. As compensation for such services, the consultant shall have the consultant's retirement benefit recalculated as if subsection 1 of this section was in effect on the consultant's date of retirement. Any monthly benefit increases payable pursuant to this subsection shall become effective September 1, 2000. In no event shall the system make any retroactive compensation payments under this subsection.**

**513.430. PROPERTY EXEMPT FROM ATTACHMENT — BENEFITS FROM CERTAIN EMPLOYEE PLANS, EXCEPTION — BANKRUPTCY PROCEEDING, FRAUDULENT TRANSFERS, EXCEPTION — CONSTRUCTION OF SECTION. — 1.** The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed one thousand dollars in value in the aggregate;

(2) Jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value four hundred dollars in the aggregate;

(4) Any implements, professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed two thousand dollars in value in the aggregate;

(5) Any motor vehicle, not to exceed one thousand dollars in value;

(6) Any mobile home used as the principal residence, not to exceed one thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value five thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within six months prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a local public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed five hundred dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any similar plan described, defined, or established pursuant to section 456.072, RSMo, **the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or** annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

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c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 USC 401(a), 403(a), 403(b), 408, 408A or 409);

except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified under Section 401(k), 403(a)(3), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its division of family services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in section 456.630, RSMo, and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance, any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

**SECTION B. EMERGENCY CLAUSE.**— Because immediate action is necessary to provide equitable treatment and timely application of certain pension benefits and compensation, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this

act shall be in full force and effect on July 1, 2000, or upon its passage and approval, whichever later occurs.

Approved May 30, 2000

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HB 1848 [CCS SCS HB 1848]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Modifies provisions relating to the licensing of certain health practitioners.**

AN ACT to repeal sections 324.130 and 334.040, RSMo Supp. 1999, relating to licensing of health practitioners, and to enact in lieu thereof two new sections relating to the same subject.

SECTION

A. Enacting clause.

324.130. Application eligibility, when.

334.040. Examination of applicants, how conducted, grades required, time limitations, extensions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Sections 324.130 and 334.040, RSMo Supp. 1999, are repealed and two new sections enacted in lieu thereof, to be known as sections 324.130 and 334.040, to read as follows:

**324.130. APPLICATION ELIGIBILITY, WHEN.**— Notwithstanding the provisions of sections 324.125 to 324.183 **prior to but not beyond January 1, 2001**, a person is eligible to make application to the board and receive a license, if the person is actively engaged in the practice of perfusion consistent with sections 324.125 to 324.183 and if the person meets one of the following requirements:

(1) The person, on August 28, 1997, was operating cardiopulmonary bypass systems during cardiac surgical cases in a licensed health care facility as the person's primary function and had been operating the systems for at least the immediately preceding eight years; or

(2) The person has at least six years' experience, within the last eight years, operating cardiopulmonary bypass systems during cardiac surgical cases in a licensed health care facility as the person's primary function.

**334.040. EXAMINATION OF APPLICANTS, HOW CONDUCTED, GRADES REQUIRED, TIME LIMITATIONS, EXTENSIONS.**— 1. Except as provided in section 334.260, all persons desiring to practice as physicians and surgeons in this state shall be examined as to their fitness to engage in such practice by the board. All persons applying for examination shall file a completed application with the board

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at least eighty days before the date set for examination upon blanks furnished by the board.

2. The examination shall be sufficient to test the applicant's fitness to practice as a physician and surgeon. The examination shall be conducted in such a manner as to conceal the identity of the applicant until all examinations have been scored. In all such examinations an average score of not less than seventy-five percent is required to pass; provided, however, that the board may require applicants to take the Federation Licensing Examination, also known as FLEX, or the United States Medical Licensing Examination (USMLE). If the FLEX examination is required, a weighted average score of no less than seventy-five percent is required to pass. The passing score of the United States Medical Licensing Examination shall be determined by the board through rule and regulation. The board shall not issue a permanent license as a physician and surgeon or allow the Missouri state board examination to be administered to any applicant who has failed to achieve a passing score within three attempts on licensing examinations administered in one or more states or territories of the United States, the District of Columbia or Canada. The steps one, two and three of the United States Medical Licensing Examination shall be taken within a seven-year period with no more than three attempts on any step of the examination; **however, the board may grant an extension of the seven-year period if the applicant has obtained a MD/PhD degree in a program accredited by the liaison committee on medical education (LCME) and a regional university accrediting body.** The board may waive the provisions of this section if the applicant is licensed to practice as a physician and surgeon in another state of the United States, the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or the District of Columbia and no license issued to the applicant has been disciplined in any state or territory of the United States or the District of Columbia. Prior to waiving the provisions of this section, the board may require the applicant to achieve a passing score on one of the following:

- (1) The American Specialty Board's certifying examination in the physician's field of specialization;
- (2) Part II of the FLEX; or
- (3) The Federation portion of the State Medical Board's Special Purpose Examination (SPEX).

3. If the board waives the provisions of this section, then the license issued to the applicant may be limited or restricted to the applicant's board specialty. Scores from one test administration shall not be combined or averaged with scores from other test administrations to achieve a passing score. The board shall not be permitted to favor any particular school or system of healing.

Approved June 27, 2000

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HB 1948 [CCS SCS HB 1948]

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**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Changes law regarding permits for concrete pump trucks, length limits for dromedary units, and auto insurance.**

AN ACT to repeal section 304.180, RSMo 1994, and sections 301.010, 303.025, 303.409, 304.170 and 304.200, RSMo Supp. 1999, relating to the regulation of the operation of motor vehicles, and to enact in lieu thereof six new sections relating to the same subject.

**SECTION**

A. Enacting clause.

301.010. Definitions.

303.025. Duty to maintain financial responsibility, misdemeanor penalty for failure to maintain — exception, methods — court to notify revenue, additional punishment, right of appeal.

303.409. Failure to maintain financial responsibility, notice, right to hearing — suspension, duration, factors, extension for failure to file proof of insurance, maintenance of proof — exception for inoperable or stored motor vehicles.

304.170. Regulations as to width, height and length of vehicles — exceptions.

304.180. Regulations as to weight — axle load, tandem axle defined.

304.200. Special permits for oversize or overweight loads — rules for issuing — when valid.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 304.180, RSMo 1994, and sections 301.010, 303.025, 303.409, 304.170 and 304.200, RSMo Supp. 1999, are repealed and six new sections enacted in lieu thereof, to be known as sections 301.010, 303.025, 303.409, 304.170, 304.180 and 304.200, to read as follows:

**301.010. DEFINITIONS.** — As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control;

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

(3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

(5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

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(6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(10) "Director" or "director of revenue", the director of the department of revenue;

(11) "Driveaway operation", the movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(12) **"Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;**

(13) "Farm tractor", a tractor used exclusively for agricultural purposes;

[(13)] (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

[(14)] (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

[(15)] (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

[(16)] (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

[(17)] (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

[(18)] (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

[(19)] (20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

[(20)] (21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

[(21)] (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

[(22)] (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or

replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

[(23)] (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of twenty-five miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

[(24)] (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

[(25)] (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a fifty-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, does not have more than four axles and does not pull a trailer which has more than two axles. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

[(26)] (27) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

[(27)] (28) "Log truck", a vehicle which is not a local log truck and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

[(28)] (29) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

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[(29)] (30) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

[(30)] (31) "Mobile scrap processor", a business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling;

[(31)] (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

[(32)] (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

[(33)] (34) "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

[(34)] (35) "Motorcycle", a motor vehicle operated on two wheels;

[(35)] (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

[(36)] (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

[(37)] (38) "Municipality", any city, town or village, whether incorporated or not;

[(38)] (39) "Nonresident", a resident of a state or country other than the state of Missouri;

[(39)] (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

[(40)] (41) "Operator", any person who operates or drives a motor vehicle;

[(41)] (42) "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law;

[(42)] (43) "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

[(43)] (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

[(44)] **(45)** "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

[(45)] **(46)** "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

[(46)] **(47)** "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

[(47)] **(48)** "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a double saddlemount combination. When three vehicles are towed in this manner, the combination is called a triple saddlemount combination;

[(48)] **(49)** "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

[(49)] **(50)** "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it, or by an insurance company as a result of settlement of a claim for loss due to damage or theft; or a vehicle, ownership of which is evidenced by a salvage title; or abandoned property which is titled pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words "salvage/abandoned property";

[(50)] **(51)** "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

[(51)] **(52)** "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

[(52)] **(53)** "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery,

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ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, **concrete pump trucks**, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

[(53)] **(54)** "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

[(54)] **(55)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

[(55)] **(56)** "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

[(56)] **(57)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

[(57)] **(58)** "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010, RSMo;

[(58)] **(59)** "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

[(59)] **(60)** "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional "A dolly" connected truck-tractor semitrailer-trailer combination;

[(60)] **(61)** "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

[(61)] **(62)** "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

[(62)] (63) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

[(63)] (64) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

[(64)] (65) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

[(65)] (66) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

**303.025. DUTY TO MAINTAIN FINANCIAL RESPONSIBILITY, MISDEMEANOR PENALTY FOR FAILURE TO MAINTAIN — EXCEPTION, METHODS — COURT TO NOTIFY REVENUE, ADDITIONAL PUNISHMENT, RIGHT OF APPEAL. — 1.** No owner of a motor vehicle registered in this state, or required to be registered in this state, shall operate, register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, unless the owner maintains the financial responsibility which conforms to the requirements of the laws of this state. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle; **however, no owner shall be in violation of this subsection if he or she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation. The director may prescribe rules and regulations for the implementation of this section.**

2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner provided for in section 303.160, or with a motor vehicle liability policy which conforms to the requirements of the laws of this state.

3. Any person who violates this section is guilty of a class C misdemeanor. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility

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requirements of this section at the time the peace officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the citation. In addition to any other authorized punishment, the court shall notify the director of revenue of any person convicted pursuant to this section and shall do one of the following:

- (1) Enter an order suspending the driving privilege as of the date of the court order. If the court orders the suspension of the driving privilege, the court shall require the defendant to surrender to it any driver's license then held by such person. The length of the suspension shall be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of revenue the order of suspension of driving privilege and any license surrendered within ten days;
  - (2) Forward the record of the conviction for an assessment of four points; or
  - (3) In lieu of an assessment of points, render an order of supervision as provided in section 302.303, RSMo. An order of supervision shall not be used in lieu of points more than one time in any thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this section shall forward a record of conviction or the order of supervision to the department of revenue within ten days. The director shall establish procedures for the record keeping and administration of this section.
4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed as prohibiting the department of insurance from approving or authorizing those exclusions and limitations which are contained in automobile liability insurance policies and the uninsured motorist provisions of automobile liability insurance policies.
5. If a court enters an order of suspension, the offender may appeal such order directly pursuant to chapter 512, RSMo, and the provisions of section 302.311, RSMo, shall not apply.

**303.409. FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY, NOTICE, RIGHT TO HEARING — SUSPENSION, DURATION, FACTORS, EXTENSION FOR FAILURE TO FILE PROOF OF INSURANCE, MAINTENANCE OF PROOF — EXCEPTION FOR INOPERABLE OR STORED MOTOR VEHICLES.** — 1. If the motorist insurance identification database indicates the owner of a registered motor vehicle has, regardless of the owner's operation of such motor vehicle, failed to maintain the financial responsibility required in section 303.025 for two consecutive months, the designated agent shall on behalf of the director inform the owner that the director will suspend the owner's vehicle registration if the owner does not present proof of insurance as prescribed by the director within thirty days from the date of mailing. The notice issued to the vehicle owner by the designated agent shall be sent to the last known address shown on the department's records. The notice is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing and the date by which that request for a hearing must be made. The suspension shall become effective thirty days after the subject person is deemed to have received the notice of suspension by certified mail as provided in section 303.041. If the request for a hearing is received prior to the effective date

of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing; however, any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension during the period of delay.

2. Neither the fact that, subsequent to the date of verification, the owner acquired the required liability insurance policy nor the fact that the owner terminated ownership of the motor vehicle shall have any bearing upon the director's decision to suspend. The suspension shall remain in force until termination despite the renewal of registration or acquisition of a new registration for the motor vehicle. The suspension shall also apply to any motor vehicle to which the owner transfers the registration.

3. Upon receipt of notification from the designated agent, the director shall suspend the owner's vehicle registration effective immediately. The suspension period shall be as follows:

(1) If the person's record shows no prior violation, the director shall terminate the suspension upon payment of a reinstatement fee of twenty dollars and submission of proof of insurance, as prescribed by the director;

(2) If the person's record shows one prior violation for failure to maintain financial responsibility within the immediately preceding two years, the director shall terminate the suspension ninety days after its effective date upon payment of a reinstatement fee of two hundred dollars and submission of proof of insurance, as prescribed by the director;

(3) If the person's record shows two or more prior violations for failure to maintain financial responsibility, the period of suspension shall terminate one year after its effective date upon payment of a reinstatement fee of four hundred dollars and submission of proof of insurance, as prescribed by the director.

4. In the event that proof of insurance as prescribed by the director has not been filed with the department of revenue in accordance with this chapter prior to the end of the period of suspension provided in this section, such period of suspension shall be extended until such proof of insurance has been filed. In no event shall filing proof of insurance reduce any period of suspension. If proof of insurance is not maintained during the three-year period following the reinstatement or termination of the suspension, the director shall again suspend the license and motor vehicle registration until proof of insurance is filed or the three-year period has elapsed. In no event shall filing proof of insurance reduce any period of suspension.

**5. Notwithstanding the provisions of subsection 1 of this section, the director shall not suspend the registration or registrations of any owner who establishes to the satisfaction of the director that the owner's motor vehicle was inoperable or being stored and not operated on the date proof of financial responsibility is required by the director.**

**304.170. REGULATIONS AS TO WIDTH, HEIGHT AND LENGTH OF VEHICLES — EXCEPTIONS.** — 1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of ninety-six inches, except clearance lights,

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rearview mirrors or other accessories required by federal, state or city law or regulation; except that, vehicles having a width, including load, not in excess of one hundred two inches, exclusive of clearance lights, rearview mirrors or other accessories required by law or regulations, may be operated on the interstate highways and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Provided however, a recreational vehicle as defined in section 700.010, RSMo, may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

2. No vehicle operated upon the interstate highway system or upon any route designated by the chief engineer of the state transportation department shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.

3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.

4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more than one foot in the front and one foot in the rear. The term "safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact.

5. No combination of truck-tractor and semitrailer **or truck-tractor equipped with dromedary and semitrailer** operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor and semitrailer **or truck-tractor equipped with dromedary and semitrailer** operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer **or truck-tractor equipped with dromedary and semitrailer**, the length of [which] **such semitrailer** shall not exceed fifty-three feet.

6. In order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor, semitrailer and trailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to

twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982, within a sixty-five foot overall length limit in any state, may continue to be operated upon the interstate highways of this state. On those primary highways not designated by the state highways and transportation commission as provided in subsection 10 of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the state highways and transportation commission may designate additional routes for such sixty-five foot combinations.

7. Automobile transporters, boat transporters [and], truck-trailer boat transporter combinations [having a length not in excess of sixty-five feet] and stinger-steered combination automobile transporters and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered combinations shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang.

8. Driveaway saddlemount combinations having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Saddlemount combinations must comply with the safety requirements of Section 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three saddlemounted vehicles and one fullmount.

9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the interstate and designated primary highway system of this state shall have a semitrailer length in excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and lawful operation in any state on December 1, 1982, operating in a truck-tractor semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailer of a truck-tractor semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer.

10. The highways and transportation commission is authorized to designate routes on the state highway system other than the interstate system over which those combinations of vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9 of this section may be operated. Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8 and 9 of this section may be operated at a distance not to exceed ten miles from the interstate system and such routes as designated under the provisions of this subsection.

11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section, no other combination of vehicles operated upon the primary or interstate highways of

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this state plus a distance of ten miles from a primary or interstate highway shall have an overall length, unladen or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway, except the state highways and transportation commission may designate additional routes for use by sixty-five foot combinations, seventy-five foot stinger-steered combinations or seventy-five foot saddle mount combinations. Any vehicle or combination of vehicles transporting automobiles, boats or other motor vehicles may carry a load which extends no more than three feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of vehicles.

12. (1) Except as hereinafter provided, these restrictions shall not apply to agricultural implements operating occasionally on the highways for short distances, or to self-propelled hay-hauling equipment or to implements of husbandry, or to vehicles temporarily transporting agricultural implements or implements of husbandry or roadmaking machinery, or road materials or towing for repair purposes vehicles that have become disabled upon the highways; or to implement dealers delivering or moving farm machinery for repairs on any state highway other than the interstate system.

(2) Implements of husbandry and vehicles transporting such machinery or equipment may be operated occasionally for short distances on state highways when operated between the hours of sunrise and sunset by a driver licensed as an operator or chauffeur.

13. As used in this chapter the term "implements of husbandry" means all self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application of commercial plant food materials or agricultural chemicals, and not specifically designed or intended for transportation of such chemicals and materials. No implement of husbandry may exceed a width of eleven feet, six inches.

14. The purpose of this section is to permit a single trip per day by the implement of husbandry from the source of supply to a given farm.

15. Sludge disposal units may be operated on all state highways other than the interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may be equipped with over-width tires. Such units shall observe all axle weight limits. The chief engineer of the state transportation department shall issue special permits for the movement of such disposal units and may by such permits restrict the movements to specified routes, days and hours.

**304.180. REGULATIONS AS TO WEIGHT — AXLE LOAD, TANDEM AXLE DEFINED.** — 1. No vehicle or combination of vehicles shall be moved or operated on any primary or interstate highway in this state plus a distance not to exceed ten miles from such highways, having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020, RSMo, shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or

operated on any primary or interstate highways of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart and further provided, however, that when any vehicle or combination of vehicles with six axles which includes a tandem axle group as above defined and a group of three axles which are fully equalized, automatically or mechanically, and the distance between the center of the extremes of which does not exceed one hundred ten inches, the chief engineer of the Missouri state transportation department shall issue a special permit for the movement thereof, as provided in section 304.200, for twenty thousand pounds for each axle of the tandem axle group and for sixteen thousand pounds for each axle of the group of three fully equalized axles which are equalized, automatically or mechanically, when said vehicle or combination of vehicles is used to transport excavation or construction machinery or equipment, roadbuilding machinery or farm implements over routes in the primary system and other routes that are not a part of the interstate system of highways; provided, further, that the chief engineer of the Missouri state transportation department may issue permits on the interstate system.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a primary or interstate highway through any one axle or on any tandem axle, the total gross weight with load imposed upon a primary or interstate highway, plus a distance not to exceed ten miles from such highways, by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table: Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise

| Maximum load in pounds |         |         |         |         |         |
|------------------------|---------|---------|---------|---------|---------|
| feet                   | 2 axles | 3 axles | 4 axles | 5 axles | 6 axles |
| 4                      | 34,000  |         |         |         |         |
| 5                      | 34,000  |         |         |         |         |
| 6                      | 34,000  |         |         |         |         |
| 7                      | 34,000  |         |         |         |         |
| 8                      | 34,000  | 34,000  |         |         |         |
| More than 8            | 38,000  | 42,000  |         |         |         |
| 9                      | 39,000  | 42,500  |         |         |         |
| 10                     | 40,000  | 43,500  |         |         |         |
| 11                     | 40,000  | 44,000  |         |         |         |
| 12                     | 40,000  | 45,000  | 50,000  |         |         |
| 13                     | 40,000  | 45,500  | 50,500  |         |         |
| 14                     | 40,000  | 46,500  | 51,500  |         |         |
| 15                     | 40,000  | 47,000  | 52,000  |         |         |
| 16                     | 40,000  | 48,000  | 52,500  | 58,000  |         |
| 17                     | 40,000  | 48,500  | 53,500  | 58,500  |         |

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|    |        |        |        |        |        |
|----|--------|--------|--------|--------|--------|
| 18 | 40,000 | 49,500 | 54,000 | 59,000 |        |
| 19 | 40,000 | 50,000 | 54,500 | 60,000 |        |
| 20 | 40,000 | 51,000 | 55,500 | 60,500 | 66,000 |
| 21 | 40,000 | 51,500 | 56,000 | 61,000 | 66,500 |
| 22 | 40,000 | 52,500 | 56,500 | 61,500 | 67,000 |
| 23 | 40,000 | 53,000 | 57,500 | 62,500 | 68,000 |
| 24 | 40,000 | 54,000 | 58,000 | 63,000 | 68,500 |
| 25 | 40,000 | 54,500 | 58,500 | 63,500 | 69,000 |
| 26 | 40,000 | 55,500 | 59,500 | 64,000 | 69,500 |
| 27 | 40,000 | 56,000 | 60,000 | 65,000 | 70,000 |
| 28 | 40,000 | 57,000 | 60,500 | 65,500 | 71,000 |
| 29 | 40,000 | 57,500 | 61,500 | 66,000 | 71,500 |
| 30 | 40,000 | 58,500 | 62,000 | 66,500 | 72,000 |
| 31 | 40,000 | 59,000 | 62,500 | 67,500 | 72,500 |
| 32 | 40,000 | 60,000 | 63,500 | 68,000 | 73,000 |
| 33 | 40,000 | 60,000 | 64,000 | 68,500 | 74,000 |
| 34 | 40,000 | 60,000 | 64,500 | 69,000 | 74,500 |
| 35 | 40,000 | 60,000 | 65,500 | 70,000 | 75,000 |
| 36 |        | 60,000 | 66,000 | 70,500 | 75,500 |
| 37 |        | 60,000 | 66,500 | 71,000 | 76,000 |
| 38 |        | 60,000 | 67,500 | 72,000 | 77,000 |
| 39 |        | 60,000 | 68,000 | 72,500 | 77,500 |
| 40 |        | 60,000 | 68,500 | 73,000 | 78,000 |
| 41 |        | 60,000 | 69,500 | 73,500 | 78,500 |
| 42 |        | 60,000 | 70,000 | 74,000 | 79,000 |
| 43 |        | 60,000 | 70,500 | 75,000 | 80,000 |
| 44 |        | 66,000 | 71,500 | 75,500 | 80,000 |
| 45 |        | 60,000 | 72,000 | 76,000 | 80,000 |
| 46 |        | 60,000 | 72,500 | 76,500 | 80,000 |
| 47 |        | 60,000 | 73,500 | 77,500 | 80,000 |
| 48 |        | 60,000 | 74,000 | 78,000 | 80,000 |
| 49 |        | 60,000 | 74,500 | 78,500 | 80,000 |
| 50 |        | 60,000 | 75,500 | 79,000 | 80,000 |
| 51 |        | 60,000 | 76,000 | 80,000 | 80,000 |
| 52 |        | 60,000 | 76,500 | 80,000 | 80,000 |
| 53 |        | 60,000 | 77,500 | 80,000 | 80,000 |
| 54 |        | 60,000 | 78,000 | 80,000 | 80,000 |
| 55 |        | 60,000 | 78,500 | 80,000 | 80,000 |
| 56 |        | 60,000 | 79,500 | 80,000 | 80,000 |
| 57 |        | 60,000 | 80,000 | 80,000 | 80,000 |

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Subject to the limit upon the weight imposed upon a supplementary highway through any one axle which shall not have a weight greater than eighteen

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thousand pounds or on any tandem axle which shall not have a weight greater than thirty-two thousand pounds, the total gross weight with load imposed upon the supplementary highway by any vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of a single motor vehicle or by the first axle of a motor vehicle and the last axle of the last vehicle in any combination of vehicles measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet  
between the  
extreme axles

Maximum load in  
pounds

|    |        |
|----|--------|
| 4  | 32,000 |
| 5  | 32,000 |
| 6  | 32,000 |
| 7  | 32,000 |
| 8  | 33,200 |
| 9  | 34,400 |
| 10 | 35,600 |
| 11 | 36,800 |
| 12 | 38,000 |
| 13 | 39,200 |
| 14 | 40,400 |
| 15 | 41,600 |
| 16 | 42,800 |
| 17 | 44,000 |
| 18 | 45,200 |
| 19 | 46,400 |
| 20 | 47,600 |
| 21 | 48,800 |
| 22 | 50,000 |
| 23 | 51,000 |
| 24 | 52,000 |
| 25 | 53,000 |
| 26 | 54,000 |
| 27 | 55,000 |
| 28 | 56,000 |
| 29 | 57,000 |
| 30 | 58,000 |
| 31 | 59,000 |
| 32 | 60,000 |
| 33 | 61,100 |
| 34 | 62,200 |
| 35 | 63,500 |
| 36 | 64,600 |
| 37 | 65,900 |
| 38 | 67,100 |
| 39 | 68,300 |

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|            |        |
|------------|--------|
| 40         | 69,700 |
| 41         | 70,800 |
| 42         | 72,000 |
| 43 or over | 73,280 |

5. Provided, however, subject to the limit upon the weight imposed through any one axle, through any tandem axle, as provided in subsection 4 of this section, the total gross weight with load imposed upon any bridges generally considered by the state highways and transportation commission to be on the supplementary system or upon any bridges which are under the jurisdiction of and maintained by counties, townships or cities shall not exceed the gross weight given for the respective distance between the first and last axle of the total group of axles measured longitudinally to the nearest foot as set forth in the following table:

| Distance in feet<br>between the<br>extreme axles | Maximum load in<br>pounds |
|--|---------------------------|
| 4  | 32,000                    |
| 5  | 32,000                    |
| 6  | 32,000                    |
| 7  | 32,000                    |
| 8  | 32,610                    |
| 9  | 33,580                    |
| 10   | 34,550                    |
| 11   | 35,510                    |
| 12   | 36,470                    |
| 13   | 37,420                    |
| 14   | 38,360                    |
| 15   | 39,300                    |
| 16   | 40,230                    |
| 17   | 41,160                    |
| 18   | 42,080                    |
| 19   | 42,990                    |
| 20   | 43,900                    |
| 21   | 44,800                    |
| 22   | 45,700                    |
| 23   | 46,590                    |
| 24   | 47,470                    |
| 25   | 48,350                    |
| 26   | 49,220                    |
| 27   | 50,090                    |
| 28   | 50,950                    |
| 29   | 51,800                    |
| 30   | 52,650                    |
| 31   | 53,490                    |
| 32   | 54,330                    |
| 33   | 55,160                    |
| 34   | 55,980                    |

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|            |        |
|------------|--------|
| 35         | 56,800 |
| 36         | 57,610 |
| 37         | 58,420 |
| 38         | 59,220 |
| 39         | 60,010 |
| 40         | 60,800 |
| 41         | 61,580 |
| 42         | 62,360 |
| 43         | 63,130 |
| 44         | 63,890 |
| 45 or over | 64,650 |

The state highways and transportation commission, with respect to bridges on the supplementary system, or the person in charge of supervision or maintenance of the bridges on the county, township or city roads and streets may determine and by official order declare that certain designated bridges do not appear susceptible to unreasonable and unusual damage by reason of such higher weight limits and may legally be subjected to the higher limits in this section.

6. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

7. Additional routes may be designated by the state highways and transportation commission for movement or operation by vehicles or combinations of vehicles having the weights described in subsections 1 and 3 of this section.

8. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds.

**9. Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, RSMo, concrete pump trucks or well-drillers equipment may be operated on state maintained roads and highways at any time on any day.**

**304.200. SPECIAL PERMITS FOR OVERSIZE OR OVERWEIGHT LOADS — RULES FOR ISSUING — WHEN VALID. —** 1. The chief engineer of the state department of transportation, for good cause shown and when the public safety or public interest so justifies, shall issue special permits for vehicles or equipment exceeding the limitations on width, length, height and weight herein specified, or which are unable to maintain minimum speed limits. Such permits shall be issued only for a single trip or for a definite period, not beyond the date of expiration of the vehicle registration, and shall designate the highways and bridges which may be used [under] **pursuant to** the authority of such permit.

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2. The chief engineer of the state department of transportation shall upon proper application issue a special permit to any person allowing the movement on state and federal highways of farm products not in excess of fourteen feet in width. Special permits allowing movement of oversize loads of farm products shall allow for movement between sunset and sunrise, subject to appropriate requirements for safety lighting on the load, appropriate limits on load dimensions and appropriate consideration of high traffic density between sunset and sunrise on the route to be traveled. The chief engineer may also issue upon proper application a special permit to any person allowing the movement on the state and federal highways of vehicles hauling lumber products and earth moving equipment not in excess of fourteen feet in width. **The chief engineer may also issue upon proper application a special permit to any person allowing the movement on the state and federal highways of concrete pump trucks or well-drillers equipment.**

3. Rules and regulations for the issuance of special permits shall be prescribed by the state highways and transportation commission and filed with the secretary of state. No rule or portion of a rule promulgated [under] **pursuant to** the authority of section 304.010 and this section shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] **chapter 536**, RSMo.

4. The officer in charge of the maintenance of the streets of any municipality may issue such permits for the use of the streets by such vehicles within the limits of such municipalities.

5. In order to transport manufactured homes, as defined in section 700.010, RSMo, on the roads, highways, bridges and other thoroughfares within this state, only the applicable permits required by this section shall be obtained.

Approved June 27, 2000

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## HB 1967 [HCS HB 1967]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Corrects boundary commission law.**

AN ACT to repeal sections 72.409 and 72.416, RSMo 1994, sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.410, 72.412, 72.418 and 72.422, RSMo Supp. 1998, and sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.409, 72.412, 72.416, 72.418, 72.422 and 72.423, RSMo Supp. 1999, relating to boundary commissions in certain counties, and to enact in lieu thereof fourteen new sections relating to the same subject, with an emergency clause.

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## SECTION

- A. Enacting clause.
  - 72.400. Definitions.
  - 72.401. Law to be exclusive for boundary changes if commission established (St. Louis County) — procedure for boundary change — prior commission abolished — commission members, qualifications, appointment, vacancies — notice of ordinance establishing commission — list of appointees — terms — succession — conflict of interest — boundary adjustment not subject to commission review and not prohibited by existence of established unincorporated area, when.
  - 72.402. Rules and regulations, commission shall promulgate — procedure.
  - 72.403. Powers and duties of commission to review all boundary changes — no changes submitted to commission until April 15, 2001, exceptions, procedures — plan of intent — notice, publication of — approval of change, factors to be considered — commission may provide advice to proposing agents.
  - 72.405. Boundary changes, approval or disapproval — commission may modify proposal — minor corrections allowed, when — simplified boundary change, procedure — noncontiguous boundary changes, required proposals — prohibited boundary changes, exception — proposing agent may modify proposal — commission may defer final action until after election, when.
  - 72.407. Adoption of boundary change by voters, procedure — unincorporated pocket defined — cost of election, how paid — proposal concerning annexation and incorporation not to be submitted at same election, election void, when.
  - 72.408. Limitation on resubmission — void petition, when.
  - 72.409. Boundary change, effective when — transition committee established, members, how selected — to disband when delay in declaring new incorporated municipality, when — conflict of laws, this section to prevail.
  - 72.412. Commission independent of county — budget request, appropriation level — application fee for annexation, use.
  - 72.416. Civil actions against commission, who may bring, cost and attorneys fees paid to commission, when.
  - 72.418. New city not to provide fire services, when — annexation, continuation of services — city to pay fire protection district, amount — voting provisions.
  - 72.422. Petition to remain unincorporated — unincorporated area proposal, procedure for creating established unincorporated areas — no boundary change to affect established unincorporated area prior to expiration.
  - 72.423. Five-year planning cycle, procedures, map plans, review.
  - 321.223. Fire protection districts may contract to provide fire protection to municipalities not in the district, certain counties (including St. Louis County) — may also provide ambulance service, when.
  - 72.400. Definitions.
  - 72.401. Law to be exclusive for boundary changes — certain counties, procedure for incorporation, annexation or consolidation — prior changes effective — petition not subject to commission approval — commission, members, qualifications, appointment, vacancies — notice of ordinance establishing commission — list of appointees — terms — succession — conflict of interest — contingent expiration date — boundary adjustment not subject to commission review, when.
  - 72.402. Rules and regulations, commission shall promulgate — procedure.
  - 72.403. Powers and duties of commission to review all boundary changes — plan of intent — notice, publication of — approval of change, factors to be considered — commission may provide advice to proposing agents.
  - 72.405. Boundary changes, approval or disapproval — commission may modify proposal — minor corrections allowed, when — simplified boundary change, procedure — noncontiguous boundary changes, required proposals — prohibited boundary changes, exception — proposing agent may modify proposal.
  - 72.407. Adoption of boundary change by voters, procedure — unincorporated pocket defined — cost of election, how paid — proposal concerning annexation and incorporation not to be submitted at same election, election void, when.
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- 72.408. Limitation on resubmission — void petition, when.
- 72.409. Boundary change, effective when — transition committee established, members, how selected — to disband when delay in declaring new incorporated municipality, when — conflict of laws, this section to prevail.
- 72.410. Election, where held.
- 72.412. Commission independent of county — budget request, appropriation level — annual report by commission, content.
- 72.416. Civil actions against commission, cost and attorneys fees paid to commission, when.
- 72.418. New city not to provide fire services, when — annexation, continuation of services — city to pay fire protection district, amount — voting provisions.
- 72.422. Petition to remain unincorporated.
  - B. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 72.409 and 72.416, RSMo 1994, sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.410, 72.412, 72.418 and 72.422, RSMo Supp. 1998, and sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.409, 72.412, 72.416, 72.418, 72.422 and 72.423, RSMo Supp. 1999, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.409, 72.412, 72.416, 72.418, 72.422, 72.423 and 321.223 to read as follows:

**72.400. DEFINITIONS.** — As used in sections 72.400 to [72.422 and section] 72.423, the following terms mean:

- (1) "Boundary adjustment", an adjustment of a boundary between two municipalities or a municipality and the unincorporated area of the county involving all or part of one or more residential parcels in common ownership or an adjustment between two municipalities or a municipality and the unincorporated area of the county involving only public property or public rights-of-way;
- (2) "Boundary change", any annexation, consolidation, incorporation, transfer of jurisdiction between municipalities or between a municipality and the county, or combination thereof, which, if approved, would result in a municipality composed of contiguous territory;
- (3) "Commission", a boundary commission established pursuant to this section;
- (4) "Contiguousness", territory proposed for annexation in which at least fifteen percent of its boundary is adjacent to the municipality which is proposing the annexation or territory proposed for addition to an established unincorporated area in which at least fifteen percent of its boundary is adjacent to the established unincorporated area;
- (5) "Established unincorporated area", an area in the unincorporated area of the county which has been approved by the voters pursuant to section 72.422 to remain unincorporated and not subject to any boundary change except as otherwise provided;
- (6) "Proposing agent", the governing body of any municipality which by ordinance has adopted a boundary change proposal or the governing body of the

county which by ordinance has adopted a boundary change proposal, or the chief elected official of the county who has authorized the filing of an unincorporated area proposal, or a person presenting petitions for incorporation signed by a number of registered voters equal to not less than fifteen percent of the number of votes cast for governor in the last gubernatorial election in the total combined area affected by the boundary change proposal. Petitions submitted by proposing agents may be submitted with exclusions for the signatures collected in areas originally included in the proposal but subsequently annexed or incorporated separately as a municipality, although the commission shall be satisfied as to the sufficiency of the signatures for the final proposed area;

(7) "Voting jurisdiction", a city, town or village, or areas of unincorporated territory with boundaries established by the commission for purposes of holding a boundary change election.

**72.401. LAW TO BE EXCLUSIVE FOR BOUNDARY CHANGES IF COMMISSION ESTABLISHED (ST. LOUIS COUNTY) — PROCEDURE FOR BOUNDARY CHANGE — PRIOR COMMISSION ABOLISHED — COMMISSION MEMBERS, QUALIFICATIONS, APPOINTMENT, VACANCIES — NOTICE OF ORDINANCE ESTABLISHING COMMISSION — LIST OF APPOINTEES — TERMS — SUCCESSION — CONFLICT OF INTEREST — BOUNDARY ADJUSTMENT NOT SUBJECT TO COMMISSION REVIEW AND NOT PROHIBITED BY EXISTENCE OF ESTABLISHED UNINCORPORATED AREA, WHEN.**— 1. If a commission has been established pursuant to section 72.400 in any county with a charter form of government where fifty or more cities, towns and villages have been established, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to [72.422 and section] 72.423, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, [there shall be no incorporation of any new city, town, or village wholly or partially in such county, nor any annexation or consolidation of any area wholly or partially in such county for one hundred twenty days after June 14, 1999, except where the governing body of the county specifically adopts an ordinance stating that a boundary commission shall not be established in the county, such incorporation, annexation or consolidation may resume after the effective date of the ordinance. Immediately after the expiration of such moratorium,] if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to [72.422 and section] 72.423, then boundary changes in such county shall proceed only as provided in sections 72.400 to [72.422 and section] 72.423.

3. [The commission, if any, which exists on June 14, 1999, is abolished.] The commission shall be composed of eleven members as provided in this subsection. No member, employee or contractor of the commission shall be an elective official, employee or contractor of the county or of any political subdivision within the county or of any organization representing political subdivisions or officers or employees of political subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this subsection shall appoint persons who shall be

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residents of their respective locality so described. The appointing authority making the appointments shall be:

(1) The chief elected officials of all municipalities wholly within the county which have a population of more than twenty thousand persons, who shall name two members to the commission as prescribed in this subsection each of whom is a resident of a municipality within the county of more than twenty thousand persons;

(2) The chief elected officials of all municipalities wholly within the county which have a population of twenty thousand or less but more than ten thousand persons, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of twenty thousand or less but more than ten thousand persons;

(3) The chief elected officials of all municipalities wholly within the county which have a population of ten thousand persons or less, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of ten thousand persons or less;

(4) An appointive body consisting of the director of the county department of planning, the president of the municipal league of the county, one additional person designated by the county executive, and one additional person named by the board of the municipal league of the county, which appointive body, acting by a majority of all of its members, shall name three members of the commission who are residents of the county; and

(5) The county executive of the county, who shall name four members of the commission, three of whom shall be from the unincorporated area of the county and one of whom shall be from the incorporated area of the county. The seat of a commissioner shall be automatically vacated when the commissioner changes his or her residence so as to no longer conform to the terms of the requirements of the commissioner's appointment. The commission shall promptly notify the appointing authority of such change of residence.

4. Upon the passage of an ordinance by the governing body of the county establishing a boundary commission, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected official of each municipality wholly or partly in the county.

5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection 3 of this section shall meet within thirty days of the passage of the ordinance establishing the commission to compile its list of appointees. Each list shall be delivered to the county executive within forty-one days of the passage of such ordinance. The county executive shall appoint members within forty-five days of the passage of the ordinance. If a list is not submitted by the time specified, the county executive shall appoint the members using the criteria of subsection 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting of the commission appointed after the effective date of the ordinance, the commissioners shall choose by lot the length of their terms. Three shall serve for one year, two for two years, two for three years, two for four years, and two for five years. All succeeding commissioners shall serve for five years. Terms shall end on December thirty-first of the respective year. No commissioner shall serve more

than two consecutive full terms. Full terms shall include any term longer than two years.

6. When a member's term expires, or if a member is for any reason unable to complete his term, the respective appointing authority shall appoint such member's successor. Each appointing authority shall act to ensure that each appointee is secured accurately and in a timely manner, when a member's term expires or as soon as possible when a member is unable to complete his term. A member whose term has expired shall continue to serve until his successor is appointed and qualified.

7. The commission, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records under chapter 610, RSMo.

8. Notwithstanding any provisions of law to the contrary, any boundary adjustment approved by the residential property owners and the governing bodies of the affected municipalities or the county, if involved, shall not be subject to commission review. Such a boundary adjustment is not prohibited by the existence of an established unincorporated area.

**72.402. RULES AND REGULATIONS, COMMISSION SHALL PROMULGATE — PROCEDURE.** — The commission shall enact and adopt all rules, regulations and procedures that are reasonably necessary to achieve the objectives of sections 72.400 to [72.422 and section] 72.423 no sooner than twenty-seven calendar days after notifying all municipalities and the county of the proposed rule, regulation or procedure enactment or change. Notice may be given by ordinary mail or by publishing in at least one newspaper of general circulation qualified to publish legal notices. No new or amended rule, regulation or procedure shall apply retroactively to any boundary change or unincorporated area proposal pending before the commission.

**72.403. POWERS AND DUTIES OF COMMISSION TO REVIEW ALL BOUNDARY CHANGES — NO CHANGES SUBMITTED TO COMMISSION UNTIL APRIL 15, 2001, EXCEPTIONS, PROCEDURES — PLAN OF INTENT — NOTICE, PUBLICATION OF — APPROVAL OF CHANGE, FACTORS TO BE CONSIDERED — COMMISSION MAY PROVIDE ADVICE TO PROPOSING AGENTS.** — 1. The commission shall review all proposed boundary changes of any area wholly or partially within the county. After [June 14, 1999,] **the effective date of this section**, no boundary change or unincorporated area proposal shall be submitted to or considered by the commission until April 15, 2001, except for consolidations. Any boundary change or unincorporated area proposal pending before the commission on [June 14, 1999,] **the effective date of this section** shall be suspended on [June 14, 1999,] **the effective date of this section** and shall be further considered after April 15, 2001, only if such proposal is reflected in a map plan submitted to the commission pursuant to section 72.423, except an annexation proposal by a village with a population under three thousand five hundred where the initial public hearing will occur prior to July 1, 1999, such proposal shall continue notwithstanding other provisions of law to the contrary. Review shall begin no later than thirty days after

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the plan of intent for the boundary change has been submitted to the commission by the proposing agent or thirty days after April 15, 2001, for boundary changes or unincorporated area proposals which are pending on [June 14, 1999] **the effective date of this section**. The plan of intent shall address the criteria set forth in subsection 3 of this section. For the purposes of this subsection, the term "pending" means any proposal submitted to the commission which has not yet been approved by the commission as a simplified annexation or approved for submission to the qualified voters of the voting jurisdictions. No simplified boundary change involving territory already described in an annexation resolution or incorporation petition filed with the commission shall occur unless the annexation or incorporation proposal has been disapproved by the commission or defeated by voters. If more than one proposed change is received from the same proposing agency, the review of each additional proposed change shall begin not later than thirty days after the date that review was commenced for the next preceding proposed change or thirty days after receipt of the proposed changes were received by the commission; except that, if more than one proposed change is received by the commission from the same proposing agency on the same date, the commission may establish the order of review.

2. When a boundary change proposal has been submitted to the commission, the commission shall, within twenty-one days of receipt of such proposal, publish notice of such proposal and the date of the public hearing thereon in at least one newspaper of general circulation qualified to publish legal notices. Within twenty-one days of receipt of such proposal, the commission shall also mail written notification of such proposal and public hearing date to the county clerk, and to the city or village clerk of each municipality or village, and to any other political subdivision which, in the opinion of the commission, is materially affected by the proposal. The costs of publication and notification shall be borne by the proposing agent. The commission shall hold such public hearing concerning the proposal not less than fourteen nor more than sixty days after such publication and notification are complete. At such public hearing, the county, the proposing agent and affected municipalities shall be parties, and any other interested person, corporation, or political subdivision may also present evidence regarding the proposed boundary change. A boundary change proposal which has been disapproved by the commission and which is resubmitted with changes to the commission shall be subject to the public hearing requirement of this section, unless the commission determines that a public hearing on the resubmitted proposal is not necessary to achieve the objectives of sections 72.400 to [72.422 and section] 72.423.

3. In reviewing any proposed boundary change, the commission shall approve such proposal if it finds that the boundary change will be in the best interest of the municipality or municipalities and unincorporated territories affected by the proposal and the areas of the county next to such proposed boundary. In making its determination, the commission shall consider the following factors:

- (1) The impact, including but not limited to the impact on the tax base or on the ability to raise revenue, of such proposal on:
  - (a) The area subject to the proposed boundary change and its residents;

(b) The existing municipality or municipalities, if any, proposing the boundary change and the residents thereof;

(c) Adjoining areas not involved in the boundary change and the residents thereof; and

(d) The entire geographic area of the county and its residents;

(2) A legal description of the area to be annexed, incorporated, consolidated, or subject to the transfer of jurisdiction;

(3) The creation of logical and reasonable municipal boundaries in the county, and for such purpose the commission shall have the ability to make additions, deletions and modifications which address legal boundaries, technical or service delivery problems or boundaries which overlap those of other proposals; however, such additions, deletions and modifications shall not make substantial changes to any proposed boundary petition;

(4) The present level of major services provided by the municipality or other provider, provided to the unincorporated area by the county, and proposed to be provided by the annexing municipality or municipality to be incorporated or consolidated, including, but not limited to, police protection, fire protection, water and sewer systems, street maintenance, utility agreements, parks, recreation, and refuse collections;

(5) A proposed time schedule whereby the municipality or proposed municipality plans to provide such services to the residents of the area to be annexed, incorporated or consolidated within three years from the date the municipal boundary change is to become effective;

(6) The current tax rates of the areas subject to the proposal;

(7) What sources of revenue other than property tax are collected or are proposed to be collected by the municipality or proposed municipality;

(8) The extraordinary effect the boundary change will have on the distribution of tax resources in the county;

(9) How the municipality or proposed municipality proposes to zone any area not presently incorporated;

(10) The compactness of the area subject to such proposal;

(11) When the proposed boundary change shall become effective.

4. The provisions of section 71.910, RSMo, shall not apply to a proposing agent proceeding before the commission.

5. Nothing in sections 72.400 to [72.422 and section] 72.423 shall be construed to prevent the boundary commission or its staff from advising proposing agents on issues related to proposals. The commission may meet informally, subject to the requirements of chapter 610, RSMo, with the representatives of municipalities, other government entities or county residents with regard to future boundary changes.

**72.405. BOUNDARY CHANGES, APPROVAL OR DISAPPROVAL — COMMISSION MAY MODIFY PROPOSAL — MINOR CORRECTIONS ALLOWED, WHEN — SIMPLIFIED BOUNDARY CHANGE, PROCEDURE — NONCONTIGUOUS BOUNDARY CHANGES, REQUIRED PROPOSALS — PROHIBITED BOUNDARY CHANGES, EXCEPTION — PROPOSING AGENT MAY MODIFY PROPOSAL — COMMISSION MAY**

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**DEFER FINAL ACTION UNTIL AFTER ELECTION, WHEN.**— 1. For any proposed boundary change submitted after August 28, 1995, the commission shall issue a finding approving or disapproving such proposals within nine months after such submittal, except that final action may be deferred on part or all of a boundary change proposal when necessary to accommodate an overlapping boundary change or unincorporated area proposal as more particularly provided in subsection 10 of this section. If the commission finds in favor of a proposed boundary change, it shall submit the question to the voters residing within the areas subject to the proposed boundary change, except as provided in subsection 6 of this section.

2. If a boundary change is proposed by a municipality or the county and if the commission finds against the proposed boundary change submitted by a municipality or the county, it shall disapprove the boundary change proposal. In disapproving any boundary change proposal, the commission shall issue a document indicating the reasons such proposal was disapproved. No election shall be held on any such proposal not approved by the commission.

3. If the boundary change is an incorporation proposed pursuant to a petition, the commission may make such changes in the proposal as it finds would result in an acceptable proposal, such changes to include but not be limited to additions, deletions or the modification of a proposal which contains boundaries which overlap those boundaries contained in any other proposal. After submittal, the commission may allow the proposing agent to make minor additions, deletions or modifications which do not substantially alter the proposal. When reviewing more than one boundary change proposal made by petition, the commission may consolidate two or more unincorporated areas into one proposed boundary change. Any changes made by the commission shall meet the criteria established [in] **pursuant to** section 72.403.

4. Where a proposal submitted by a municipality, the county or by a petition, contains more than two voting jurisdictions, the commission may provide for approval of a boundary change comprising only those municipalities and unincorporated area where a majority of voters approve the boundary change if the resulting municipality would meet the criteria established [in] **pursuant to** section 72.403.

5. If a boundary change is proposed by a municipality or the county and the commission determines that there is a minor error or discrepancy in the legal descriptions of the areas subject to the proposal as submitted by the municipality or county, then the commission with the concurrence of the proposing agent may make such changes to the proposal as are necessary to rectify the error in the legal description.

6. A simplified boundary change may be proposed by:

(1) A verified petition signed by seventy-five percent of the registered voters within the area proposed to be annexed which is predominately residential in character and has an average residential density of not less than one dwelling per three acres which is filed by the annexing municipality; or

(2) Two municipalities for a transfer of jurisdiction between them or a municipality and the county for a transfer of jurisdiction between a municipality and the county. Within twenty-one days of receipt of a proposal [under] **pursuant**

to this subsection, the commission shall publish notice of such proposal and the date of the public hearing thereon in at least one newspaper of general circulation qualified to publish legal notices. The commission shall, within twenty-one days of receipt of such proposal, mail written notification of such proposal and the date of the public hearing thereon to the county clerk, and to the city or village clerk of each municipality or village, and to any other political subdivision which, in the opinion of the commission, is materially affected by such proposal. The commission shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after such publication and notification is complete. At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed boundary change. Within four months of receipt of the proposal, the commission shall determine whether to disapprove the proposal, or to approve the proposal and allow it to proceed as an approved boundary change to be adopted or rejected by the voters pursuant to section 72.407, or to approve the proposal as a simplified boundary change, for which no vote shall be required, except that final action may be deferred on part or all of a simplified boundary change proposal when necessary to accommodate an overlapping boundary change or unincorporated area proposal as more particularly provided in subsection 10 of this section. In making its determination, the commission shall consider the factors set forth in subsection 3 of section 72.403. If the commission determines that the proposal should be approved as a simplified boundary change, such proposal shall become effective upon the date set forth in the commission's written report of approval.

7. A municipality which wishes to propose a boundary change containing two or more unincorporated areas that are noncontiguous to each other shall submit separate proposals for the unincorporated areas that are noncontiguous to each other, in which case there shall be a separate vote for each proposal approved by the commission. The municipality may:

- (1) Adopt and submit separate ordinances for each such separate proposal; or
- (2) Adopt and submit one ordinance containing said separate proposals, which ordinance shall clearly state that the municipality is making multiple, separate proposals, and is desirous of separate votes for each separate proposal. The ordinance shall also clearly identify each separate proposal that the municipality is making.

8. The commission shall not approve any boundary change proposal in which more than fifty percent of the combined land subject to the proposal is unincorporated territory or territories unless the area subject to the proposal has a population of more than ten thousand persons.

9. A proposing agent may modify its proposal and submit additional information during the review period.

10. The commission may defer final action on part or all of a boundary change proposal or proposal for an established unincorporated area beyond the periods provided for their consideration in order to allow an election with respect to an overlapping boundary change or unincorporated area proposal in order to maximize the ability of voters to determine their own status. Such deferral may be ordered only when the proposal granted such priority is filed with the commission no later

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than sixty days after the proposal on which action will be deferred and only when the commission determines that the population of the overlapping area is a greater proportion of the proposal given priority than of the proposal on which action is deferred. The commission shall take final action on the deferred proposal within forty-five days of the election at which the proposal granted priority is decided. The proposing agent may modify the proposal in accordance with the results of the election.

**72.407. ADOPTION OF BOUNDARY CHANGE BY VOTERS, PROCEDURE — UNINCORPORATED POCKET DEFINED — COST OF ELECTION, HOW PAID — PROPOSAL CONCERNING ANNEXATION AND INCORPORATION NOT TO BE SUBMITTED AT SAME ELECTION, ELECTION VOID, WHEN.**— 1. Boundary changes may be adopted by the voters in the following manner:

(1) If the commission approves a proposed boundary change containing more than one municipality and no unincorporated areas, such proposal shall be adopted if a separate majority of the votes cast on the question in each municipality are in favor of the boundary change, except as provided in subsection 4 of section 72.405;

(2) If the commission approves a proposed boundary change containing one or more municipalities and at least one unincorporated area, such proposal shall be adopted if a separate majority of the votes cast on the question in each municipality and a separate majority of votes cast in each voting jurisdiction comprising unincorporated areas of the county are in favor of the boundary change, except as provided in subsection 4 of section 72.405. If a voting jurisdiction comprising unincorporated areas of the county has no residents or if no votes are cast for or against the boundary change, such boundary change shall become effective if a majority of the votes cast in all other voting jurisdictions and municipalities are in favor of the boundary change. If the commission approves a proposed boundary change containing one or more municipalities and at least one unincorporated area which is classified as an unincorporated pocket, such proposal shall be adopted if a separate majority of the votes cast on the question in each municipality and a majority of votes cast in the whole municipality which would result from the boundary change are in favor of the boundary change, except as provided in subsection 4 of section 72.405. As used in this subdivision, the term "unincorporated pocket" means an unincorporated territory with an average residential density in excess of one dwelling per three acres, which has a population of no more than five hundred, which is accessible by public or private roadway only from incorporated jurisdictions and/or another county, and which the commission has determined presents practical difficulties for service by the county by reason of its isolation.

2. Any election held pursuant to sections 72.400 to [72.422 and section] 72.423 shall be held on a date established by the commission in accordance with the provisions of chapter 115, RSMo. If the proposing agent is a petitioner or the governing body of the county, all costs of the election shall be paid by the county. If the proposing agent is the governing body of any municipality, the cost of such election in each municipality shall be paid by each municipality and if the proposal

contains any unincorporated territory the cost of the election in the unincorporated territory shall be paid by the county.

3. Questions concerning the annexation of an area covered by sections 72.400 to [72.422 and section] 72.423 and the incorporation of the same area shall not be put to the voters at the same election. Any such election where the questions of annexation and incorporation have been put to the voters shall be void in the area covered by both propositions. This subsection shall not affect the results of that election in areas where both questions were not put to the voters at the same time. When boundary change proposals for annexation and for incorporation cover the same area, the proposal for annexation shall be put to the voters first.

**72.408. LIMITATION ON RESUBMISSION — VOID PETITION, WHEN.**— 1. If a boundary change is disapproved by the voters, no boundary change which contains more than sixty percent of the area of the disapproved boundary change shall be submitted to or processed by the commission any sooner than two years after the date of the disapproved boundary change.

2. Every petition shall be presented to the commission within two hundred eighty days following the date on which the first signature was affixed to the petition, or any part thereof, except that the period of time from June 14, 1999, to April 15, 2001, shall be excluded. Failure to present a petition within the foregoing time period shall render the petition absolutely void.

**72.409. BOUNDARY CHANGE, EFFECTIVE WHEN — TRANSITION COMMITTEE ESTABLISHED, MEMBERS, HOW SELECTED — TO DISBAND WHEN DELAY IN DECLARING NEW INCORPORATED MUNICIPALITY, WHEN — CONFLICT OF LAWS, THIS SECTION TO PREVAIL.**— 1. If a proposed boundary change is approved by the voters, such proposal shall be effective six months following the date of the election or the date specified in such proposal, whichever date is later. Immediately following the certification of the election, the commission shall establish a committee to determine the details of the transition. The governing body of each affected municipality shall select two members and the governing body of the county in which each unincorporated territory is situated shall select two members from the affected unincorporated territory to meet with similar members appointed from other affected municipalities and the unincorporated territory. The committee shall disband no later than the date the boundary change becomes effective. The governing body of the county may delay declaring a newly incorporated municipality for a period not to exceed six months at the request of the boundary commission to provide for an orderly transition from unincorporated to incorporated status.

2. If a conflict shall exist between the provisions of sections 72.400 to [72.422 and section] 72.423 and the orders, ordinances or charters of any statutory or charter cities affected by sections 72.400 to [72.422 and section] 72.423, the provisions of sections 72.400 to [72.422] **72.423** shall prevail.

3. If a boundary change involves an annexation, failure of the proposing agent to provide services to the area being annexed or to zone in compliance with the plan of intent required of the proposing agent within three years of the

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boundary change becoming effective, unless compliance is made unreasonable, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident who was residing in the area at the time the boundary change became effective.

**72.412. COMMISSION INDEPENDENT OF COUNTY — BUDGET REQUEST, APPROPRIATION LEVEL — APPLICATION FEE FOR ANNEXATION, USE.** — 1. The commission, once established, shall not be a county commission but shall act as an independent commission. The commission may hire such staff and acquire such facilities as it finds necessary to carry out its duties.

2. The commission shall submit a budget requesting the funds necessary to carry out its duties pursuant to sections 72.400 to [72.422 and section] 72.423. The county shall appropriate and provide a reasonable and necessary level of funding for the commission to carry out its statutory duties. In addition, the county shall upon request provide petitioners with such available information as may be necessary to develop a plan of intent. Funding must provide for at least one professional staff person, one attorney or the equivalent funds for legal services, and clerical support for the professional staff and attorney. All salary levels shall be based upon the personnel system in use for county employees.

3. The commission shall provide by rule for an application fee for municipal annexations in the amount of one dollar per resident of the proposed annexation area to defray the commission's cost of processing and reviewing proposals.

**72.416. CIVIL ACTIONS AGAINST COMMISSION, WHO MAY BRING, COST AND ATTORNEYS FEES PAID TO COMMISSION, WHEN.** — The county, an interested municipality, or any other interested party may bring an appropriate civil action against the commission regarding a proposed boundary change, unincorporated area proposal, or other commission action or failure to act. In any civil action brought against the commission regarding a proposed boundary change, if the commission prevails in the action, the court may require the party who initiated the action to pay to the commission the reasonable costs incurred by the commission in opposing [such] the action, including attorney's fees.

**72.418. NEW CITY NOT TO PROVIDE FIRE SERVICES, WHEN — ANNEXATION, CONTINUATION OF SERVICES — CITY TO PAY FIRE PROTECTION DISTRICT, AMOUNT — VOTING PROVISIONS.** — 1. Notwithstanding any other provision of law to the contrary, no new city created pursuant to sections 72.400 to [72.418] 72.423 shall establish a municipal fire department to provide fire protection services, including emergency medical services, if such city formerly consisted of unincorporated areas in the county or municipalities in the county, or both, which are provided fire protection services and emergency medical services by one or more fire protection districts. Such fire protection districts shall continue to provide services to the area comprising the new city and may levy and collect taxes the same as such districts had prior to the creation of such new city.

2. Fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, shall

continue to provide fire protection services, including emergency medical services to such area. The annexing city shall pay annually to the fire protection district an amount equal to that which the fire protection district would have levied on all taxable property within the annexed area. Such annexed area shall not be subject to taxation for any purpose thereafter by the fire protection district except for bonded indebtedness by the fire protection district which existed prior to the annexation. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be a sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. Notwithstanding any other provision of law to the contrary, the residents of an area annexed on or after May 26, 1994, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.

3. The fire protection district may approve or reject any proposal for the provision of fire protection and emergency medical services by a city.

**72.422. PETITION TO REMAIN UNINCORPORATED — UNINCORPORATED AREA PROPOSAL, PROCEDURE FOR CREATING ESTABLISHED UNINCORPORATED AREAS — NO BOUNDARY CHANGE TO AFFECT ESTABLISHED UNINCORPORATED AREA PRIOR TO EXPIRATION.** — 1. Notwithstanding any other provision of sections 72.400 to 72.420 **to the contrary**, residents of an unincorporated area of a county may remain unincorporated and not subject to any boundary change [as provided by] **pursuant to** sections 72.400 to 72.420 if the following are satisfied:

- (1) The county petitions the boundary commission;
- (2) A legal description of the unincorporated area accompanies the petition. If there is a minor error or discrepancy in the legal description of the unincorporated area, the commission, with the concurrence of the county, may make such changes to the proposal as are necessary to rectify the error in the legal description;
- (3) The unincorporated area either contains a population of not less than two thousand five hundred or is contiguous with an existing established unincorporated area;
- (4) A plan of intent accompanies the petition addressing the issues to be considered by the commission.

2. When an unincorporated area proposal has been submitted to the commission, the commission shall, within twenty-one days of receipt of such proposal, publish notice of such proposal and the date of the public hearing thereon in at least one newspaper of general circulation qualified to publish legal notices. Within twenty-one days of receipt of such proposal, the commission shall also mail written notification of such proposal and public hearing date to the county clerk, and to the city or village clerk of each neighboring municipality or village, and to any other political subdivision which, in the opinion of the commission, is materially affected by the proposal. The costs of publication and notification shall

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be borne by the county. The commission shall hold such public hearing concerning the proposal not less than fourteen nor more than sixty days after such publication and notification are complete. At such public hearing, the county and any municipality with an overlapping map plan shall be parties, and any other interested person, corporation, or political subdivision may also present evidence regarding the unincorporated area proposal. An unincorporated area proposal which has been disapproved by the commission and which is resubmitted with changes to the commission shall be subject to the public hearing requirement of this section, unless the commission determines that a public hearing on the resubmitted proposal is not necessary to achieve the objectives of this section. The commission shall issue findings approving or disapproving such proposal within nine months after submittal, except that final action may be deferred on part or all of an unincorporated proposal when necessary to accommodate an overlapping boundary change proposal as more particularly provided in subsection 10 of section 72.405. The proposal shall be submitted at the next general or special election in accordance with the provisions of chapter 115, RSMo. The cost of the election shall be paid by the county. If the proposal is approved by the voters then the area shall be an established unincorporated area and shall remain unincorporated territory for a period of five years from the date of the vote and shall not be subject to any boundary change [provided for in] **pursuant to** sections 72.400 to 72.420.

3. In reviewing any proposed unincorporated area proposal, the commission shall approve such proposal if it finds that continued provision of local services to the area by the county will not impose an unreasonable burden on county government and that such designation is in the best interest of the unincorporated territories affected by the proposal and the areas of the county next to such area. In making its determination, the commission shall consider the following factors:

(1) The impact, including but not limited to the impact on the tax base or on the ability to raise revenue, of such proposal on:

(a) The area subject to the proposed established unincorporated area and its residents;

(b) Adjoining areas not involved in the proposed established area and the residents thereof; and

(c) The entire geographic area of the county and its residents;

(2) A legal description of the unincorporated area;

(3) The creation of logical and reasonable municipal boundaries in the county, and for such purpose the commission shall have the ability to make additions, deletions and modifications which address legal boundaries, technical or service delivery problems or boundaries which overlap those of other proposals; however, such additions, deletions and modifications shall not make substantial changes to any proposed unincorporated area proposal;

(4) Whether approval of the unincorporated area proposal will result in unreasonable difficulty in provision of services by the county;

(5) The effect approval of the established unincorporated area will have on the distribution of tax resources in the county;

(6) The compactness of the area subject to such proposal.

4. After approval by the voters of an unincorporated area proposal, no boundary change affecting any part of such area shall be proposed to the commission until expiration of the area's status as an established unincorporated area, but map plans affecting the area may be filed during the planning period pursuant to section 72.423. If no map plan of a boundary change proposal with respect to an established unincorporated area has been submitted during the most recent planning period pursuant to section 72.423, the commission shall commence review of the circumstances of such established unincorporated area six months prior to its expiration, and shall submit reauthorization of such unincorporated area to the voters if the commission determines that its circumstances have not materially changed since it was approved.

**72.423. FIVE-YEAR PLANNING CYCLE, PROCEDURES, MAP PLANS, REVIEW. —**

1. In any county in which a boundary commission has been established pursuant to section 72.400, all boundary changes and unincorporated area proposals shall be subject to the five-year planning cycle mandated in this section. No municipality nor other person shall file, nor shall the commission accept or review, any boundary change or unincorporated area proposal which has not previously been submitted to the commission for map plan review and comment as provided in this section, except that consolidations of municipalities and transfers of jurisdiction **pursuant to subdivision (2) of subsection 6 of section 72.405** may be sought at any time without prior submission for map plan review and comment as provided in this section.

2. Between January 1, 2000, and July 1, 2000, and between January first and July first of each sixth year thereafter, each municipality, the county, and any citizen group may present general maps of proposed boundary changes and proposed established unincorporated areas to the commission for map plan review. Proposed incorporations and unincorporated areas, if not submitted by the county, shall be submitted by petition of no less than five percent of the registered voters within the proposed area. Boundary change and unincorporated area maps shall not be accompanied by a plan of intent, but shall be depicted with sufficient detail and accuracy to permit review and comment.

3. Between August 1, 2000, and December 31, 2000, and each sixth year thereafter, the commission shall solicit written comments on all boundary change and established unincorporated area map plans and shall hold informational public hearings in or near the affected areas, at which the county, any municipality, or other interested person shall be heard. The commission may encourage negotiation between parties involved in competing map plans. Map plans may be amended by the submitting parties until April fifteenth of the year following map plan submission based on negotiation or based on the hearings or other comments, but no such amendment shall enlarge the boundary change or unincorporated area map plan beyond the area originally submitted, except for minor technical amendments necessary to address boundary issues.

4. The commission may by April first of the year following map plan submission issue written comments regarding each boundary change and unincorporated area map plan to notify proponents of the merits or demerits of such

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map plan based on planning and public policy considerations. The map plan as submitted or as amended by April fifteenth shall remain on file with the commission, and shall be the limit of permissible boundary changes and unincorporated area proposals as provided in subsection 1 of this section.

5. Proposals shall be submitted to the commission no later than July first of the third year following conclusion of map plan review. Any proposal which has not been approved by the commission by January first of the next review period year as provided in subsection 2 of this section shall expire without further action.

**321.223. FIRE PROTECTION DISTRICTS MAY CONTRACT TO PROVIDE FIRE PROTECTION TO MUNICIPALITIES NOT IN THE DISTRICT, CERTAIN COUNTIES (INCLUDING ST. LOUIS COUNTY) — MAY ALSO PROVIDE AMBULANCE SERVICE, WHEN. — 1. Notwithstanding any other provision of law to the contrary, any fire protection district within a county of the first classification with a charter form of government with a population of at least nine hundred thousand may contract with any municipality or village that does not operate their own fire department to provide fire protection services for a fee to any area of the municipality or village that does not belong to the fire protection district. In such event, the municipality and the fire protection district shall, by ordinance duly enacted by the governing board of each, agree upon the terms which such fire protection shall be furnished. The agreement may provide for the payment of a stated sum per year upon any method of compensation for such fire protection that is agreed upon by the fire district and the municipality entering into such contract; provided that any contract for a period longer than five years shall have no binding force until ratified by a majority of the voters in the fire district and the municipality entering into such a contract.**

**2. If the fire protection district is authorized to provide ambulance service within its district, the fire protection district may also provide ambulance service to the municipality, upon such terms as the fire district and the municipality may agree, which are not inconsistent with any requirement of subsection 1 of this section.**

**[72.400. DEFINITIONS. —** As used in sections 72.400 to 72.418, the following terms mean:

(1) "Boundary adjustment", an adjustment of a boundary between two municipalities or a municipality and the unincorporated area of the county involving two residential parcels in common ownership or portions of a single residential parcel in common ownership or an adjustment between two municipalities or a municipality and the unincorporated area of the county involving only public property or public rights-of-way;

(2) "Boundary change", any annexation, consolidation, incorporation, transfer of jurisdiction between municipalities or between a municipality and the county, or combination thereof, which, if approved, would result in a municipality composed of contiguous territory;

(3) "Commission", a boundary commission established pursuant to this section;

(4) "Contiguousness", territory proposed for annexation in which at least fifteen percent of its boundary is adjacent to the municipality which is proposing the annexation;

(5) "Proposing agent", the governing body of any municipality which by ordinance has adopted a boundary change proposal or the governing body of the county which by ordinance has adopted a boundary change proposal, or a person presenting petitions signed by a number of registered voters equal to not less than fifteen percent of the number of votes cast for governor in the last gubernatorial election in the total combined area affected by the boundary change proposal. Petitions submitted by proposing agents may be submitted with exclusions for the signatures collected in areas originally included in the proposal but subsequently annexed or incorporated separately as a municipality, although the commission shall be satisfied as to the sufficiency of the signatures for the final proposed area;

(6) "Simplified boundary change", an annexation initiated by a verified petition signed by seventy-five percent of the residential property owners of all fee interests of record of the area proposed for annexation and filed by the annexing municipality and which the commission determines and finds should be approved without voter approval;

(7) "Voting jurisdiction", a city, town or village, or areas of unincorporated territory with boundaries established by the commission for purposes of holding a boundary change election.]

**[72.401. LAW TO BE EXCLUSIVE FOR BOUNDARY CHANGES — CERTAIN COUNTIES, PROCEDURE FOR INCORPORATION, ANNEXATION OR CONSOLIDATION — PRIOR CHANGES EFFECTIVE — PETITION NOT SUBJECT TO COMMISSION APPROVAL — COMMISSION, MEMBERS, QUALIFICATIONS, APPOINTMENT, VACANCIES — NOTICE OF ORDINANCE ESTABLISHING COMMISSION — LIST OF APPOINTEES — TERMS — SUCCESSION — CONFLICT OF INTEREST — CONTINGENT EXPIRATION DATE — BOUNDARY ADJUSTMENT NOT SUBJECT TO COMMISSION REVIEW, WHEN. — 1.** If a commission has been established pursuant to section 72.400, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to 72.420, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, there shall be no incorporation of any new city, town, or village wholly or partially in such county, nor any annexation or consolidation of any area wholly or partially in such county for one hundred twenty days after June 2, 1995, except for the following:

(1) As provided in subsection 3 of this section; or

(2) Where the governing body of the county specifically adopts an ordinance stating that a boundary commission shall not be established in the county, such incorporation, annexation or consolidation may resume after the effective date of the ordinance. Immediately after the expiration of such moratorium, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to 72.420, then annexation,

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incorporation and consolidation in such county shall proceed only as provided in sections 72.400 to 72.420. The procedures established in section 72.420 shall remain applicable to counties of the first classification where fifty or more cities, towns and villages have been established. The provisions of sections 72.400 to 72.420 shall expire on December 31, 2002, unless the general assembly reauthorizes such provisions prior to December 31, 2002.

3. Notwithstanding any provisions of law to the contrary, any boundary changes approved by voters, simplified boundary changes approved by one hundred percent of the property owners and the governing body of the annexing city, and exchanges of land agreed to by the governing bodies of the jurisdictions involved in the exchange, which have been approved or agreed to prior to June 2, 1995, and which have not yet taken effect at the time of the first meeting of the boundary commission shall not be subject to commission approval.

4. Any proposal for incorporation by petition of at least six thousand registered voters which has been submitted to the governing body of the county under section 72.080 by June 30, 1995, shall not be subject to commission approval, and such boundary changes shall become effective on the date determined by the jurisdictions involved or by court order. Notice of such boundary changes shall be provided to the commission.

5. The commission shall be composed of eleven members as provided in this subsection. No member or employee of the commission shall be an elective official, employee or contractor of any political subdivision or of any organization representing political subdivisions or officers or employees of political subdivisions. Each of the appointing authorities described in subdivisions (1) to (5) of this subsection shall appoint persons who shall be residents of their respective locality so described. The appointing authority making the appointments shall be:

(1) The chief elected officials of all municipalities wholly within the county which have a population of more than twenty thousand persons, who shall name the number of members to the commission as prescribed in this subsection;

(2) The chief elected officials of all municipalities wholly within the county which have a population of twenty thousand or less but more than ten thousand persons, who shall name the number of members to the commission as prescribed in this subsection;

(3) The chief elected officials of all municipalities wholly within the county which have a population of ten thousand persons or less, who shall name the number of members to the commission as prescribed in this subsection;

(4) Each member of the county council of the three county council districts with the largest number of residents residing within the unincorporated area of the county, who shall each be allowed to nominate one member of the commission in the manner prescribed in this subdivision. Each such county council member shall submit a list of two residents of the unincorporated area of such member's district to the county executive, and the county executive shall select one person from each list so submitted to be a member of the commission. If a list is not submitted to the county executive by the times prescribed in subsection 6 of this section, the county executive shall name a person to be a member of the commission; and

(5) The county executive of the county, who shall name two of the members of the commission from the unincorporated area of the county. The seat of a commissioner shall be automatically vacated when the commissioner ceases to be a resident member of the appointing group. The vacancy shall be filled according to subsection 7 of this section. Each appointing authority described in subdivisions (1) to (3) of this subsection shall appoint a member for every sixteen and two-thirds percent, rounded up or down to the nearest sixteen and two-thirds percent, of the population of the county which resides in the municipalities described in such subdivisions. In the event that rounding would result in more than six members from the three municipal appointing authorities, then rounding up shall not apply to the appointing authority farthest from the next higher sixteen and two-thirds percent. Percentages and populations shall be calculated according to the last federal decennial census. They shall be calculated as of June 30, 1995.

6. Upon the passage of an ordinance by the governing body of the county establishing a boundary commission, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected official of each municipality wholly or partly in the county. Each of the appointing authorities described in subdivisions (1) to (3) of subsection 5 of this section shall meet within thirty days of the passage of the ordinance establishing the commission to compile its list of appointees. Each list shall be delivered to the county executive within forty-one days of the passage of such ordinance. The county executive shall appoint members representing the unincorporated areas of the county within forty-five days of the passage of the ordinance. If a list is not submitted by the time specified, the county executive shall appoint the members using the criteria of subsection 5 of this section before the sixtieth day from the passage of the ordinance. On the sixty-first day from the passage of such ordinance, the commission shall begin to exercise the powers and duties assigned to it by sections 72.400 to 72.418. At the first meeting of the commission, the commissioners shall choose by lot the length of their terms. Three shall serve for one year, two for two years, two for three years, two for four years, and two for five years. All succeeding commissioners shall serve for five years. Terms shall end on December thirty-first of the respective year. No commissioner shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

7. When a member's term expires, or if a member is for any reason unable to complete his term, the respective appointing authority shall appoint such member's successor. The appointee shall be determined by the appointing authority from whose list the outgoing member was appointed. Each appointing authority shall act to ensure that each appointee is secured accurately and in a timely manner, when a member's term expires or as soon as possible when a member is unable to complete his term. A member whose term has expired shall continue to serve until his successor is appointed and qualified.

8. The commission, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records under chapter 610, RSMo.

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9. Notwithstanding any provisions of law to the contrary, any boundary adjustment approved by the residential property owners and the governing bodies of the affected municipalities or the county, if involved, shall not be subject to commission review.]

**[72.402. RULES AND REGULATIONS, COMMISSION SHALL PROMULGATE — PROCEDURE.**— The commission shall enact and adopt all rules, regulations and procedures that are reasonably necessary to achieve the objectives of sections 72.400 to 72.420 no sooner than twenty-seven calendar days after notifying all municipalities and the county of the proposed rule, regulation or procedure enactment or change. Notice may be given by ordinary mail or by publishing in at least one newspaper of general circulation qualified to publish legal notices. No new or amended rule, regulation or procedure shall apply retroactively to any boundary change pending before the commission.]

**[72.403. POWERS AND DUTIES OF COMMISSION TO REVIEW ALL BOUNDARY CHANGES — PLAN OF INTENT — NOTICE, PUBLICATION OF — APPROVAL OF CHANGE, FACTORS TO BE CONSIDERED — COMMISSION MAY PROVIDE ADVICE TO PROPOSING AGENTS.**— 1. The commission shall review all proposed boundary changes of any area wholly or partially within the county. Such review shall begin no later than thirty days after the plan of intent for the boundary change has been submitted to the commission by the proposing agent or thirty days after the commission is established for those boundary changes which are pending on the date on which the commission is established. The plan of intent shall address the criteria set forth in subsection 3 of this section. For the purposes of this subsection, the term "pending" means any proposal submitted to the commission which has not yet been voted on by the qualified voters of the voting jurisdictions. No simplified boundary change involving territory already described in an annexation resolution or incorporation petition filed with the commission shall occur unless the annexation or incorporation proposal has been disapproved by the commission or defeated by voters. If more than one proposed change is received from the same proposing agency, the review of each additional proposed change shall begin not later than thirty days after the date that review was commenced for the next preceding proposed change or thirty days after receipt of the proposed changes were received by the commission; except that, if more than one proposed change is received by the commission from the same proposing agency on the same date, the commission may establish the order of review.

2. When a boundary change proposal has been submitted to the commission, the commission shall, within twenty-one days of receipt of such proposal, publish notice of such proposal and the date of the public hearing thereon in at least one newspaper of general circulation qualified to publish legal notices. Within twenty-one days of receipt of such proposal, the commission shall also mail written notification of such proposal and public hearing date to the county clerk, and to the city or village clerk of each municipality or village, and to any other political subdivision which, in the opinion of the commission, is materially affected by the proposal. The costs of publication and notification shall be borne by the proposing

agent. The commission shall hold such public hearing concerning the proposal not less than fourteen nor more than sixty days after such publication and notification are complete. At such public hearing, any interested person, corporation, or political subdivision may present evidence regarding the proposed boundary change. A boundary change proposal which has been disapproved by the commission and which is resubmitted with changes to the commission shall be subject to the public hearing requirement of this section, unless the commission determines that a public hearing on the resubmitted proposal is not necessary to achieve the objectives of sections 72.400 to 72.420.

3. In reviewing any proposed boundary change, the commission shall approve such proposal if it finds that the boundary change will be in the best interest of the municipality or municipalities and unincorporated territories affected by the proposal and the areas of the county next to such proposed boundary. In making its determination, the commission shall consider the following factors:

(1) The impact, including but not limited to the impact on the tax base or on the ability to raise revenue, of such proposal on:

(a) The area subject to the proposed boundary change and its residents;

(b) The existing municipality or municipalities, if any, proposing the boundary change and the residents thereof;

(c) Adjoining areas not involved in the boundary change and the residents thereof; and

(d) The entire geographic area of the county and its residents;

(2) A legal description of the area to be annexed, incorporated, consolidated, disincorporated, or subject to the transfer of jurisdiction;

(3) The ability to accommodate the orderly incorporation in the county, including its ability to make additions, deletions and modifications which address legal boundaries, technical or service delivery problems or boundaries which overlap those of other proposals; however, such additions, deletions and modifications shall not make substantive changes to any proposed boundary petition;

(4) The present level of major services provided by the municipality or other provider, provided to the unincorporated area by the county, and proposed to be provided by the annexing municipality or municipality to be incorporated or consolidated, including, but not limited to, police protection, fire protection, water and sewer systems, street maintenance, utility agreements, parks, recreation, and refuse collections;

(5) A proposed time schedule whereby the municipality or proposed municipality plans to provide such services to the residents of the area to be annexed, incorporated or consolidated within three years from the date the municipal boundary change is to become effective;

(6) The current tax rates of the areas subject to the proposal;

(7) What sources of revenue other than property tax are collected or are proposed to be collected by the municipality or proposed municipality;

(8) The extraordinary effect the boundary change will have on the distribution of tax resources in the county;

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(9) How the municipality or proposed municipality proposes to zone any area not presently incorporated;

(10) The compactness of the area subject to such proposal;

(11) When the proposed boundary change shall become effective.

4. The provisions of section 71.910, RSMo, shall not apply to a proposing agent proceeding before the commission.

5. Nothing in sections 72.400 to 72.420 shall be construed to prevent the boundary commission or its staff from advising proposing agents on issues related to proposals. The commission may meet informally, subject to the requirements of chapter 610, RSMo, with the representatives of municipalities, other government entities or county residents with regard to future boundary changes.]

**[72.405. BOUNDARY CHANGES, APPROVAL OR DISAPPROVAL — COMMISSION MAY MODIFY PROPOSAL — MINOR CORRECTIONS ALLOWED, WHEN — SIMPLIFIED BOUNDARY CHANGE, PROCEDURE — NONCONTIGUOUS BOUNDARY CHANGES, REQUIRED PROPOSALS — PROHIBITED BOUNDARY CHANGES, EXCEPTION — PROPOSING AGENT MAY MODIFY PROPOSAL. — 1.** For any proposed boundary change submitted after August 28, 1995, the commission shall issue a finding approving or disapproving such proposals within nine months after such submittal. If the commission finds in favor of a proposed boundary change, it shall submit the question to the voters residing within the areas subject to the proposed boundary change, except as provided in subsection 6 of this section.

2. If a boundary change is proposed by a municipality or the county and if the commission finds against the proposed boundary change submitted by a municipality or the county, it shall disapprove the boundary change proposal. In disapproving any boundary change proposal, the commission shall issue a document indicating the reasons such proposal was disapproved. No election shall be held on any such proposal not approved by the commission.

3. If the boundary change is proposed pursuant to a petition, the commission may make such changes in the proposal as it finds would result in an acceptable proposal, such changes to include but not be limited to additions, deletions or the modification of a proposal which contains boundaries which overlap those boundaries contained in any other proposal. After submittal, the commission may allow the proposing agent to make minor additions, deletions or modifications which do not substantially alter the proposal. When reviewing more than one boundary change proposal made by petition, the commission may consolidate two or more unincorporated areas into one proposed boundary change. Any changes made by the commission shall meet the criteria established in section 72.403.

4. Where a proposal submitted by a municipality, the county or by a petition, contains more than two voting jurisdictions, the commission may provide for approval of a boundary change comprising only those municipalities where a majority of voters approve the boundary change and unincorporated area if the resulting municipality would meet the criteria established in section 72.403.

5. If a boundary change is proposed by a municipality or the county and the commission determines that there is a minor error or discrepancy in the legal descriptions of the areas subject to the proposal as submitted by the municipality or

county, then the commission with the concurrence of the proposing agent may make such changes to the proposal as are necessary to rectify the error in the legal description.

6. A simplified boundary change may be proposed by:

(1) A verified petition signed by seventy-five percent of the registered voters within the area proposed to be annexed which is filed by the annexing municipality; or

(2) A proposal for a transfer of jurisdiction between municipalities or between a municipality and the county. Within twenty-one days of receipt of a proposal under this subsection, the commission shall publish notice of such proposal and the date of the public hearing thereon in at least one newspaper of general circulation qualified to publish legal notices. The commission shall, within twenty-one days of receipt of such proposal, mail written notification of such proposal and the date of the public hearing thereon to the county clerk, and to the city or village clerk of each municipality or village, and to any other political subdivision which, in the opinion of the commission, is materially affected by such proposal. The commission shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after such publication and notification is complete. At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed boundary change. Within four months of receipt of the proposal, the commission shall determine whether to disapprove the proposal, or to approve the proposal and allow it to proceed as an approved boundary change to be adopted or rejected by the voters pursuant to section 72.407 or 72.410, or to approve the proposal as a simplified boundary change, for which no vote shall be required. In making its determination, the commission shall consider the factors set forth in subsection 3 of section 72.403. If the commission determines that the proposal should be approved as a simplified boundary change, such proposal shall become effective upon the date set forth in the commission's written report of approval.

7. A municipality which wishes to propose a boundary change containing two or more unincorporated areas that are noncontiguous to each other shall submit separate proposals for the unincorporated areas that are noncontiguous to each other, in which case there shall be a separate vote for each proposal approved by the commission. The municipality may:

(1) Adopt and submit separate ordinances for each such separate proposal; or

(2) Adopt and submit one ordinance containing said separate proposals, which ordinance shall clearly state that the municipality is making multiple, separate proposals, and is desirous of separate votes for each separate proposal. The ordinance shall also clearly identify each separate proposal that the municipality is making.

8. The commission shall not approve any boundary change proposal in which more than fifty percent of the combined land subject to the proposal is unincorporated territory or territories unless the area subject to the proposal has a population of more than ten thousand persons.

9. A proposing agent may modify its proposal and submit additional information during the review period.]

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**[72.407. ADOPTION OF BOUNDARY CHANGE BY VOTERS, PROCEDURE — UNINCORPORATED POCKET DEFINED — COST OF ELECTION, HOW PAID — PROPOSAL CONCERNING ANNEXATION AND INCORPORATION NOT TO BE SUBMITTED AT SAME ELECTION, ELECTION VOID, WHEN. — 1. Boundary changes may be adopted by the voters in the following manner:**

(1) If the commission approves a proposed boundary change containing more than one municipality and no unincorporated areas, such proposal shall be adopted if a separate majority of the votes cast on the question in each municipality are in favor of the boundary change, except as provided in subsection 4 of section 72.405;

(2) If the commission approves a proposed boundary change containing one or more municipalities and at least one unincorporated area, such proposal shall be adopted if a separate majority of the votes cast on the question in each municipality and a separate majority of votes cast in each voting jurisdiction comprising unincorporated areas of the county are in favor of the boundary change, except as provided in subsection 4 of section 72.405. If a voting jurisdiction comprising unincorporated areas of the county has no residents or if no votes are cast for or against the boundary change, such boundary change shall become effective if a majority of the votes cast in all other voting jurisdictions and municipalities are in favor of the boundary change. On or after January 1, 1996, if the commission approves a proposed boundary change containing one or more municipalities and at least one unincorporated area which is classified as an unincorporated pocket, such proposal shall be adopted if a separate majority of the votes cast on the question in each municipality and a majority of votes cast in the whole municipality which would result from the boundary change are in favor of the boundary change, except as provided in subsection 4 of section 72.405. As used in this subdivision, the term "unincorporated pocket" means an unincorporated territory with an average residential density in excess of one dwelling per three acres, and which has a population of no more than two thousand five hundred and which is accessible by public or private roadway only from incorporated jurisdictions and/or another county.

2. Any election held pursuant to sections 72.400 to 72.420 shall be held on a date established by the commission in accordance with the provisions of chapter 115, RSMo. If the proposing agent is a petitioner or the governing body of the county, all costs of the election shall be paid by the county. If the proposing agent is the governing body of any municipality, the cost of such election in each municipality shall be paid by each municipality and if the proposal contains any unincorporated territory the cost of the election in the unincorporated territory shall be paid by the county.

3. Questions concerning the annexation of an area covered by sections 72.400 to 72.418 and the incorporation of the same area shall not be put to the voters at the same election. Any such election where the questions of annexation and incorporation have been put to the voters shall be void in the area covered by both propositions. This subsection shall not affect the results of that election in areas where both questions were not put to the voters at the same time. When boundary change proposals for annexation and for incorporation cover the same area, the proposal for annexation shall be put to the voters first.]

**[72.408. LIMITATION ON RESUBMISSION — VOID PETITION, WHEN.]** 1. If a boundary change is disapproved by the voters, no boundary change which contains more than sixty percent of the area of the disapproved boundary change shall be submitted to or processed by the commission any sooner than two years after the date of the disapproved boundary change.

2. Every petition shall be presented to the commission within two hundred eighty days following the date on which the first signature was affixed to the petition, or any part thereof. Failure to present a petition within the foregoing time period shall render the petition absolutely void.]

**[72.409. BOUNDARY CHANGE, EFFECTIVE WHEN — TRANSITION COMMITTEE ESTABLISHED, MEMBERS, HOW SELECTED — TO DISBAND WHEN DELAY IN DECLARING NEW INCORPORATED MUNICIPALITY, WHEN — CONFLICT OF LAWS, THIS SECTION TO PREVAIL.]** 1. If a proposed boundary change is approved by the voters, such proposal shall be effective six months following the date of the election or the date specified in such proposal, whichever date is later. Immediately following the certification of the election, the commission shall establish a committee to determine the details of the transition. The governing body of each affected municipality shall select two members and the governing body of the county in which each unincorporated territory is situated shall select two members from the affected unincorporated territory to meet with similar members appointed from other affected municipalities and the unincorporated territory. The committee shall disband no later than the date the boundary change becomes effective. The governing body of the county may delay declaring a newly incorporated municipality for a period not to exceed six months at the request of the boundary commission to provide for an orderly transition from unincorporated to incorporated status.

2. If a conflict shall exist between the provisions of sections 72.400 to 72.420 and the orders, ordinances or charters of any statutory or charter cities affected by sections 72.400 to 72.420, the provisions of sections 72.405 to 72.409 shall prevail.

3. If a boundary change involves an annexation, failure of the proposing agent to provide services to the area being annexed or to zone in compliance with the "Plan of Intent" required of the proposing agent within three years of the boundary change becoming effective, unless compliance is made unreasonable, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident who was residing in the area at the time the boundary change became effective.]

**[72.410. ELECTION, WHERE HELD.]** — If a boundary change is proposed by petition of seventy-five percent of the residential property owners of all fee interests of record in all tracts of real property located within the area proposed, then any election ordered pursuant to subdivision (2) of subsection 6 of section 72.405 shall be conducted in the petitioning area and the receiving municipality.]

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**[72.412. COMMISSION INDEPENDENT OF COUNTY — BUDGET REQUEST, APPROPRIATION LEVEL — ANNUAL REPORT BY COMMISSION, CONTENT.]** 1. The commission, once established, shall not be a county commission but shall act as an independent commission. The commission may hire such staff and acquire such facilities as it finds necessary to carry out its duties.

2. The commission shall submit a budget requesting the funds necessary to carry out its duties pursuant to sections 72.400 to 72.418. The county shall appropriate and provide a reasonable and necessary level of funding for the commission to carry out its statutory duties. In addition, the county shall upon request provide petitioners with such available information as may be necessary to develop a plan of intent. Funding must provide for at least one professional staff person, one attorney or the equivalent funds for legal services, and clerical support for the professional staff and attorney. All salary levels shall be based upon the personnel system in use for county employees.

3. The commission shall report annually upon proposals for legislation dealing with joint service arrangements, contracting for services, revenue sharing, and other issues affecting local government in the county. The commission shall make such report available to the municipalities in the county, to the county government, and to all other interested persons.]

**[72.416. CIVIL ACTIONS AGAINST COMMISSION, COST AND ATTORNEYS FEES PAID TO COMMISSION, WHEN.]**—In any civil action brought against the commission regarding a proposed boundary change, if the commission prevails in the action, the court may require the party who initiated the action to pay to the commission the reasonable costs incurred by the commission in opposing such action, including attorney's fees.]

**[72.418. NEW CITY NOT TO PROVIDE FIRE SERVICES, WHEN — ANNEXATION, CONTINUATION OF SERVICES — CITY TO PAY FIRE PROTECTION DISTRICT, AMOUNT — VOTING PROVISIONS.]** 1. Notwithstanding any other provision of law to the contrary, no new city created pursuant to sections 72.400 to 72.418 shall establish a municipal fire department to provide fire protection services, including emergency medical services, if such city formerly consisted of unincorporated areas in the county or municipalities in the county, or both, which are provided fire protection services and emergency medical services by one or more fire protection districts. Such fire protection districts shall continue to provide services to the area comprising the new city and may levy and collect taxes the same as such districts had prior to the creation of such new city.

2. Fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, shall continue to provide fire protection services, including emergency medical services to such area. The annexing city shall pay annually to the fire protection district an amount equal to that which the fire protection district would have levied on all taxable property within the annexed area. Such annexed area shall not be subject to taxation for any purpose thereafter by the fire protection district except for bonded indebtedness by the fire protection district which existed prior to the annexation. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be a sum equal to the annual assessed value multiplied by the annual tax

rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. Notwithstanding any other provision of law to the contrary, the residents of an area annexed on or after May 26, 1994, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.

3. The fire protection district may approve or reject any proposal for the provision of fire protection and emergency medical services by a city.

4. Notwithstanding the provisions of section 72.401 to the contrary, this section shall not expire on December 31, 2002.]

**[72.422. PETITION TO REMAIN UNINCORPORATED.]** — 1. Notwithstanding any other provision of sections 72.400 to 72.420, residents of an unincorporated area of a county may remain unincorporated and not subject to any boundary change as provided by sections 72.400 to 72.420 if the following are satisfied:

(1) A person presents to the boundary commission a petition signed by a number of registered voters equal to not less than fifteen percent of the number of votes cast for governor in the last gubernatorial election in the unincorporated area;

(2) A legal description of the unincorporated area accompanies the petition. If there is a minor error or discrepancy in the legal description of the unincorporated area, the commission, with the concurrence of the proponents of the petition, may make such changes to the proposal as are necessary to rectify the error in the legal description;

(3) The unincorporated area contains a population of not less than two thousand five hundred; and

(4) Within thirty days of the filing of the petition, the commission shall make a determination whether the area described in the petition can be reasonably served.

2. Not later than thirty days after the receipt of the items set forth in subdivisions (1) to (4) of subsection 1 of this section, the commission upon finding that the proposal satisfies the criteria of subdivisions (1) to (4) of subsection 1 of this section shall submit the proposal to the voters within the described unincorporated area for voter approval or disapproval. The proposal shall be submitted at the next general or special election in accordance with the provisions of chapter 115, RSMo. The cost of the election shall be paid by the county. If the proposal is approved by the voters then the area shall remain unincorporated territory for a period of five years from the date of the vote and shall not be subject to any boundary change provided for in sections 72.400 to 72.420.

3. A petition submitted pursuant to this section and in accordance with the provisions of chapter 115, RSMo, shall take precedence over any other boundary change proposal which includes any territory within the unincorporated area described in the petition submitted pursuant to this section. No boundary change proposal which includes any territory within an unincorporated area described in a petition submitted pursuant to this section shall be approved or submitted to the voters until the unincorporated proposal is voted upon.

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4. If the commission fails to comply with the provisions of this section, the proponents of the petition may file a mandamus action or other appropriate action to compel compliance with the ministerial duties set out in this section.]

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to clarify and correct certain boundary change procedures, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved June 27, 2000

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SB 540 [SCS SB 540]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Creates the State Fair Fee Fund.**

AN ACT to repeal section 262.260, RSMo Supp. 1999, relating to the state fair, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

A. Enacting clause.

262.260. Admission fees, revenues from sale of privileges and pari-mutuel wagering — disposition — state fair fee fund created — gifts and grants authorized, transfer to general revenue prohibited — purpose of fund — investment.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Section 262.260, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 262.260, to read as follows:

**262.260. ADMISSION FEES, REVENUES FROM SALE OF PRIVILEGES AND PARI-MUTUEL WAGERING — DISPOSITION — STATE FAIR FEE FUND CREATED — GIFTS AND GRANTS AUTHORIZED, TRANSFER TO GENERAL REVENUE PROHIBITED — PURPOSE OF FUND — INVESTMENT.**  
— **1.** The commission shall establish admission fees to be charged at the gates of the fairgrounds. The admission fees, revenues from the sale of privileges and revenues as a result of pari-mutuel wagering shall be payable to and collected by **the department of agriculture and transmitted to** the state director of revenue who shall deposit the same [in the general revenue fund to the credit of the state fair fee account] **to the credit of the "State Fair Fee Fund" which is hereby created in the state treasury. Such fund may also receive gifts, grants, contributions, appropriations and funds or benefits from any other source or sources.** The money in the state fair fee [account] fund may be used in improving and beautifying the grounds, paying premiums and defraying expenses of the state fair, including officers' salaries, the hire of assistants, expense and equipment, capital improvements and maintenance and repair.  
**2. The unexpended balance in the state fair fee fund at the end of each fiscal year shall not be transferred to the general revenue fund of the state, and the provisions of section 33.080, RSMo, relating to**

**the transfer of funds to the general revenue fund of the state by the state treasurer shall not apply to the state fair fee fund.**

**3. Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall be deposited in the state fair fee fund.**

Approved June 27, 2000  
SB 542 [HS HCS SCS SB 542]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Changes the compensation of public administrators.**

AN ACT to repeal sections 473.730, 473.739 and 473.767, RSMo Supp. 1999, relating to public administrators, and to enact in lieu thereof five new sections relating to the same subject.

**SECTION**

- A. Enacting clause.
- 473.730. Public administrators — election — oath — bond — public administrator deemed public office, duties — salaried public administrators deemed county officials.
- 473.739. Compensation for attendance at training session, certain public administrators, expenses shall be reimbursed, when (certain noncharter counties of the first classification).
- 473.742. Salary schedule for public administrators, certain counties — administrator to choose salary or fee collection — certain administrators may join LAGERS.
- 473.767. Public administrator, duties after expiration of term — duties prior to expiration of term, certain counties.
1. Staff to be deemed county employees — full-time staff may be provided for certain administrators.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Sections 473.730, 473.739 and 473.767, RSMo Supp. 1999, are repealed and five new sections enacted in lieu thereof, to be known as sections 473.730, 473.739, 473.742, 473.767 and 1, to read as follows:

**473.730. PUBLIC ADMINISTRATORS — ELECTION — OATH — BOND — PUBLIC ADMINISTRATOR DEEMED PUBLIC OFFICE, DUTIES — SALARIED PUBLIC ADMINISTRATORS DEEMED COUNTY OFFICIALS.**— 1. Every county in this state, and the city of St. Louis, shall elect a public administrator at the general election in the year 1880, and every four years thereafter, who shall be ex officio public guardian and conservator

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in and for the public administrator's county. Before entering on the duties of the public administrator's office, the public administrator shall take the oath required by the constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with two or more securities, approved by the court and conditioned that the public administrator will faithfully discharge all the duties of the public administrator's office, which bond shall be given and oath of office taken on or before the first day of January following the public administrator's election, and it shall be the duty of the judge of the court to require the public administrator to make a statement annually, under oath, of the amount of property in the public administrator's hands or under the public administrator's control as such administrator, for the purpose of ascertaining the amount of bond necessary to secure such property; and such court may from time to time, as occasion shall require, demand additional security of such administrator, and, in default of giving the same within twenty days after such demand, may remove the administrator and appoint another.

2. The public administrator in all counties, in the performance of the duties required by chapters 473, 474, RSMo, and 475, RSMo, is a public officer. The duties specified by section 475.120, RSMo, are discretionary. The county shall defend and indemnify the public administrator against any alleged breach of duty, provided that any such alleged breach of duty arose out of an act or omission occurring within the scope of duty or employment.

**3. After January 1, 2001, all salaried public administrators shall be considered "county officials" for purposes of section 50.333, RSMo, subject to the minimum salary requirements set forth in section 473.742.**

**473.739. COMPENSATION FOR ATTENDANCE AT TRAINING SESSION, CERTAIN PUBLIC ADMINISTRATORS, EXPENSES SHALL BE REIMBURSED, WHEN (CERTAIN NONCHARTER COUNTIES OF THE FIRST CLASSIFICATION).**— 1. Each public administrator[, except] in counties of the first [class with] **classification without** a charter form of government[, ] who does not receive at least twenty-five thousand dollars in fees as otherwise allowed by law shall receive annual compensation of four thousand dollars and each such public administrator who does not receive at least forty-five thousand dollars in fees may request the county salary commission for an increase in annual compensation and the county

salary commission may authorize an additional increase in annual compensation not to exceed ten thousand dollars.

2. Two thousand dollars of the compensation authorized in this section shall be payable to the public administrator only if he has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the public administrator's office when approved by a professional association of the county public administrators of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each public administrator who completes the training program and shall send a list of certified public administrators to the treasurer of each county. Expenses incurred for attending the training session shall be reimbursed to the county public administrator in the same manner as other expenses as may be appropriated for that purpose.

**473.742. SALARY SCHEDULE FOR PUBLIC ADMINISTRATORS, CERTAIN COUNTIES — ADMINISTRATOR TO CHOOSE SALARY OR FEE COLLECTION — CERTAIN ADMINISTRATORS MAY JOIN LAGERS.— 1. Each public administrator in counties of the second, third or fourth classification and in the city of St. Louis, shall make a determination within thirty days after taking office whether such public administrator shall elect to receive a salary as defined herein or receive fees as may be allowed by law to executors, administrators and personal representatives. The election by the public administrator shall be made in writing to the county clerk. Should the public administrator elect to receive a salary, the public administrator's office may not then elect to change at any future time to receive fees in lieu of salary.**

**2. If a public administrator elects to be placed on salary, the salary shall be based upon the average number of open letters in the two years preceding the term when the salary is elected, based upon the following schedule:**

**(1) Zero to five letters: Salary shall be a minimum of seven thousand five hundred dollars;**

**(2) Six to fifteen letters: Salary shall be a minimum of fifteen thousand dollars;**

**(3) Sixteen to twenty-five letters: Salary shall be a minimum of twenty thousand dollars;**

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(4) Twenty-six to thirty-nine letters: Salary shall be a minimum of twenty-five thousand dollars;

(5) Public administrator's with forty or more letters shall be considered full-time county officials and shall be paid according to the assessed valuation schedule set forth below:

| Assessed valuation                           | Salary |
|--|--------|
| \$ 8,000,000 to 40,999,999<br>\$29,000       |        |
| \$ 41,000,000 to 53,999,999<br>\$30,000      |        |
| \$ 54,000,000 to 65,999,999<br>\$32,000      |        |
| \$ 66,000,000 to 85,999,999<br>\$34,000      |        |
| \$ 86,000,000 to 99,999,999<br>\$36,000      |        |
| \$ 100,000,000 to 130,999,999<br>\$38,000    |        |
| \$ 131,000,000 to 159,999,999<br>\$40,000    |        |
| \$ 160,000,000 to 189,999,999<br>\$41,000    |        |
| \$ 190,000,000 to 249,999,999<br>\$41,500    |        |
| \$ 250,000,000 to 299,999,999<br>\$43,000    |        |
| \$ 300,000,000 to 449,999,999<br>\$45,000    |        |
| \$ 450,000,000 to 599,999,999<br>\$47,000    |        |
| \$ 600,000,000 to 749,999,999<br>\$49,000    |        |
| \$ 750,000,000 to 899,999,999<br>\$51,000    |        |
| \$ 900,000,000 to 1,049,999,999<br>\$53,000  |        |
| \$1,050,000,000 to 1,199,999,999<br>\$55,000 |        |
| \$1,200,000,000 to 1,349,999,999<br>\$57,000 |        |

**\$1,350,000,000 and over                      \$59,000;**

**(6) The public administrator in the city of St. Louis shall receive a salary not less than sixty-five thousand dollars.**

**3. The initial compensation of the public administrator who elects to be put on salary shall be determined by the average number of letters for the two years preceding the term when the salary is elected. Salary increases or decreases according to the minimum schedule set forth in subsection 1 of this section shall be adjusted only after the number of open letters places the workload in a different subdivision for two consecutive years. Minimum salary increases or decreases shall only take effect upon a new term of office of the public administrator. The number of letters each year shall be determined in accordance with the reporting requirements set forth in law.**

**4. All fees collected by a public administrator who elects to be salaried shall be deposited in the county treasury or with the treasurer for the city of St. Louis.**

**5. Any public administrator in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants who elects to receive fees in lieu of a salary pursuant to this section may elect to join the Missouri local government employees' retirement system created pursuant to sections 70.600 to 70.755, RSMo.**

**473.767. PUBLIC ADMINISTRATOR, DUTIES AFTER EXPIRATION OF TERM — DUTIES PRIOR TO EXPIRATION OF TERM, CERTAIN COUNTIES.**

**— 1. In counties operating under fee retention,** the public administrator shall before the first court day after the expiration of one year after [his] **their** successor in office has qualified, file [his] **a** final settlement as required by section 473.540 for all estates in [his] **their** charge as public administrator in which final settlement can be made. On the first court day after the expiration of one year after the election of a successor to the public administrator, the judge of the probate division, upon [his] **the judge's** own motion, shall order the public administrator to account for and deliver all money, property, or papers belonging to all estates in his **or her** hands in which final settlement cannot be made, to [his] **the** successor in office, or to the heirs of any estate, or to any executor or administrator regularly appointed, and such accounting and delivery shall be accomplished during the sixty days next thereafter.

**2. In counties where the public administrator is paid a salary, the public administrator shall deliver property and make necessary**

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**filings as required in this section prior to leaving his or her term of office.**

[2.] **3.** Notwithstanding the provisions of subsection 1 of this section, the former public administrator or [his] **their** legal representative, upon approval and order of the judge of the probate division of the circuit court having jurisdiction over the estates in which the former public administrator has been appointed personal representative, guardian or conservator, shall turn over the administration of the estates to the successor public administrator. A copy of the annual account of each estate in part covering the term of the former public administrator shall be filed with the probate division by the successor public administrator and the successor public administrator shall be charged with the assets and liabilities shown thereby.

**SECTION 1. STAFF TO BE DEEMED COUNTY EMPLOYEES — FULL-TIME STAFF MAY BE PROVIDED FOR CERTAIN ADMINISTRATORS. — 1. Any full-time staff of any public administrator's office employed on or after January 1, 2001, who is not an employee of the county for purposes of hiring, retirement, benefits and other laws applicable to county employees shall be deemed an employee after January 1, 2001. Any full-time staff of the office of the public administrator for the city of St. Louis on or after January 1, 2001, shall be considered an employee of the city of St. Louis for purposes of hiring, retirement, benefits and other laws applicable to the city of St. Louis employees.**

**2. Each public administrator with fifty or more cases may be provided with full-time staff paid for by the county or for St. Louis City, paid for by the city of St. Louis.**

Approved June 27, 2000

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SB 557 [SCS SB 557]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Authorizes the appointment of a sixth commissioner for municipal housing authorities to meet certain federal guidelines.**

AN ACT to amend chapter 99, RSMo, relating to municipal housing by adding thereto one new section relating to additional housing commissioners in certain political subdivisions.

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## SECTION

A. Enacting clause.

99.053. Appointment of additional housing commissioner authorized where necessary to comply with federal law.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Chapter 99, RSMo, is amended by adding thereto one new section, to be known as section 99.053, to read as follows:

**99.053. APPOINTMENT OF ADDITIONAL HOUSING COMMISSIONER AUTHORIZED WHERE NECESSARY TO COMPLY WITH FEDERAL LAW.**—

**1. Notwithstanding any provision of section 99.050 to the contrary regarding the number of housing commissioners, in any political subdivision except those described in subsection 2 of this section, a sixth housing commissioner may be appointed. Such a commissioner may be appointed, in the same manner as other appointees pursuant to section 99.050, if the housing authority determines that such a commissioner is needed to fulfill any federal requirement stating that at least one person who receives direct assistance from the housing authority shall serve as a commissioner. Any commissioner appointed to serve as a commissioner for the purposes of meeting the requirement of having a person who is directly assisted by the housing authority shall forfeit such appointment if that person:**

- (1) Ceases to meet the requirements of housing commissioners pursuant to section 99.050; or**
- (2) Ceases receiving direct assistance from the housing authority for which he or she is a commissioner.**

**2. The provisions of this section shall not apply to those housing authorities:**

- (1) Located within a city not within a county;**
- (2) Located within a city with a population of over four hundred thousand inhabitants;**
- (3) Which are exempted, pursuant to federal law or regulation, from any federal requirement stating that at least one person who receives direct assistance from the housing authority shall serve as a commissioner.**

Approved June 27, 2000

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SB 573 [SB 573]

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EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Revises repayment of state school aid overpayment for certain districts.**

AN ACT to repeal section 163.036, RSMo Supp. 1999, relating to deductions for state school aid over payments, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SECTION

A. Enacting clause.

163.036. Estimates of average daily attendance, authorized, how computed — error in computation between actual and estimated attendance, how corrected — use of assessed valuation for state aid.

B. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Section 163.036, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 163.036, to read as follows:

**163.036. ESTIMATES OF AVERAGE DAILY ATTENDANCE, AUTHORIZED, HOW COMPUTED — ERROR IN COMPUTATION BETWEEN ACTUAL AND ESTIMATED ATTENDANCE, HOW CORRECTED — USE OF ASSESSED VALUATION FOR STATE AID.**—1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year, the number of eligible pupils for the immediately preceding year or the number of eligible pupils for the second preceding school year, whichever is greater. **Except as otherwise provided in subsection 3 of this section,** any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual number of eligible pupils above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.

**3. (1) For any district which has, for at least five years immediately preceding the year in which the error is discovered, adopted a calender for the school term in which elementary schools are in session for twelve months of each calendar year, any error made in the apportionment of state aid to such district because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091 and subsection 1 of this section, except that if the amount paid exceeds the amount to which the district was actually entitled by more than five percent and the district provides written application to the state board requesting that the deductions be made pursuant to subdivision (2) of this subsection, then the amounts shall be deducted pursuant to subdivision (2) of this subsection.**

**(2) For deductions made pursuant to this subdivision, interest at the rate of six percent shall be charged on the excess and shall be included in the amount deducted and the total amount of such excess plus accrued interest shall be deducted from the district's apportionment in equal monthly amounts beginning with the succeeding school year and extending for a period of months specified by the district in its written request and no longer than sixty months.**

[3.] **4.** For the purposes of distribution of state school aid pursuant to section 163.031, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as

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provided in section 163.091, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

**SECTION B. EMERGENCY CLAUSE.**—Because of the need to ensure continued financial solvency of certain school districts, section 163.036 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 163.036 of this act shall be in full force and effect upon its passage and approval.

Approved May 30, 2000

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SB 577 [HCS SS SCS SB 577]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Establishes program for dry-cleaning solvent management.**

AN ACT to repeal sections 260.375, 260.380, 260.391, 260.395, 260.480, 260.535, 260.546 and 260.569, RSMo 1994, and sections 260.475, 260.479 and 260.500, RSMo Supp. 1999, relating to hazardous waste, and to enact in lieu thereof twenty-five new sections relating to the same subject, with an expiration date for certain sections.

SECTION

- A. Enacting clause.
  - 260.375. Duties of department — licenses required — permits required.
  - 260.380. Duties of hazardous waste generators — fees to be collected, disposition — exemptions.
  - 260.391. Hazardous waste fund created — payments — not to lapse — subaccount, funds, purpose.
  - 260.395. Transportation of hazardous waste, how permitted — fees, how determined — notice prior to issuance of permit — permit not required of whom — application for certification, when — permit maintained for postclosure care period — leachate collection system required — railroad hazardous waste transportation, fee.
  - 260.475. Fees to be paid by hazardous waste generators — exceptions — fee distribution — violations, penalty — deposit — fee requirement, expiration.
  - 260.479. Commission to establish subdivisions of waste based on management, fees charged against generators — limits on certain fees — exceptions — fee distribution — expires, when.
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- 260.480. Hazardous waste remedial fund established — uses of fund — no transfer to general revenue, exception.
- 260.500. Definitions.
- 260.535. Hazardous waste fund, deposits to — purpose for use.
- 260.546. Emergency assistance — cost, how paid — cost statement, costs not to be included — payment, when — amount, appeal procedure — state fund to pay cost but repayment required.
- 260.569. Reimbursement for costs to department, computation — deposit of funds — termination from participation by department, when — refund of balance, when.
- 701.337. Department to establish lead abatement loan or grant program — Missouri lead abatement loan fund created.
- 260.900. Definitions.
- 260.905. Hazardous waste management commission to promulgate rules for dry-cleaning facility environmental remediation.
- 260.910. Violations of dry-cleaning remediation laws — civil damages.
- 260.915. Registration of dry-cleaning facilities with department.
- 260.920. Dry-cleaning environmental response trust fund created — purpose — not to be considered total state revenue.
- 260.925. Expenditures from fund, how used — fund not to be used, when — liability determinations — entry onto premises where corrective action required — fund payment limit — owner liability when fund payment obtained.
- 260.930. State immunity from liability due to corrective action — private action against dry-cleaning facility not prohibited — corrective action not to be compelled at eligible dry-cleaning facilities — director approval of plans, when.
- 260.935. Dry-cleaning facility registration surcharge — deposited in fund — penalties and interest for nonpayment.
- 260.940. Dry-cleaning solvent surcharge, amount imposed due to solvent factor — deposited in fund — penalties and interest for nonpayment — operators not to purchase solvent from persons not paying surcharge.
- 260.945. Surcharges not collected, when.
- 260.950. Judicial review.
- 260.955. Department to report on fund, corrective action from fund.
- 260.960. Rulemaking.
  - B. Expiration date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 260.375, 260.380, 260.391, 260.395, 260.480, 260.535, 260.546 and 260.569, RSMo 1994, and sections 260.475, 260.479 and 260.500, RSMo Supp. 1999, are repealed and twenty-five new sections enacted in lieu thereof, to be known as sections 260.375, 260.380, 260.391, 260.395, 260.475, 260.479, 260.480, 260.500, 260.535, 260.546, 260.569, 701.337, 260.900, 260.905, 260.910, 260.915, 260.920, 260.925, 260.930, 260.935, 260.940, 260.945, 260.950, 260.955 and 260.960, to read as follows:

**260.375. DUTIES OF DEPARTMENT — LICENSES REQUIRED — PERMITS REQUIRED.** — The department shall:

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(1) Exercise general supervision of the administration and enforcement of sections 260.350 to 260.430 and all standards, rules and regulations, orders or license and permit terms and conditions adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430;**

(2) Develop and implement programs to achieve goals and objectives set by the state hazardous waste management plan;

(3) Retain, employ, provide for and compensate, within appropriations available therefor, such consultants, assistants, deputies, clerks and other employees on a full- or part-time basis as may be necessary to carry out the provisions of sections 260.350 to 260.430 and prescribe the times at which they shall be appointed and their powers and duties;

(4) Budget and receive duly appropriated moneys for expenditures to carry out the provisions of sections 260.350 to 260.430;

(5) Accept, receive and administer grants or other funds or gifts from public and private agencies including the federal government for the purpose of carrying out any of the functions of sections 260.350 to 260.430. Funds received by the department pursuant to this section shall be deposited with the state treasurer and held and disbursed by him **or her** in accordance with the appropriations of the general assembly;

(6) Provide the commission all necessary support the commission may require to carry out its powers and duties including, but not limited to: keeping of records of all meetings; notification, at the direction of the chairman of the commission, of the members of the commission of the time, place and purpose of each meeting by written notice; drafting, for consideration of the commission, a state hazardous waste management plan and standards, rules and regulations necessary to carry out the purposes of sections 260.350 to 260.430; and investigation of petitions for variances and complaints made to the commission and submission of recommendations thereto;

(7) Collect and maintain, and require any person to collect and maintain, such records and information of hazardous waste generation, storage, transportation, resource recovery, treatment and disposal in this state, including quantities and types imported and exported across the borders of this state and install, calibrate and maintain and require any person to install, calibrate and maintain such monitoring equipment or methods, and make reports consistent with the purposes of sections 260.350 to 260.430;

(8) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise;

(9) Develop facts and make inspections and investigations, including gathering of samples and performing of tests and analyses, consistent with the purposes of sections 260.350 to 260.430, and in connection therewith, to enter or authorize any representative of the department to enter, at all reasonable times, in or upon any private or public property for any purpose required by sections 260.350 to 260.430 or any federal hazardous waste management act. Such entry may be for the purpose, without limitation, of developing or implementing standards, rules and regulations, orders or license or permit terms and conditions, of inspecting or investigating any records required to be kept by sections 260.350 to 260.430 or any license or permit issued [hereunder] **pursuant to sections 260.350 to 260.430** or any hazardous waste management practice which the department or commission believes violates sections 260.350 to 260.430, or any standard, rule or regulation, order or license or permit term or condition adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**, or otherwise endangers the health of humans or the environment, or the site of any suspected violation of sections 260.350 to 260.430, or any standard, rule or regulation, order, or license or permit term or condition adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**. The results of any such investigation shall be reduced to writing and shall be furnished to the owner or operator of the property. No person shall refuse entry or access requested for the purpose of inspection [under this provision] **pursuant to this subdivision** to an authorized representative of the department or commission who presents appropriate credentials, nor obstruct or hamper the representative in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any judge or associate circuit judge having jurisdiction to any such representative for the purpose of enabling the representative to make such inspection;

(10) Require each hazardous waste generator located within this state and each hazardous waste generator located outside of this state before utilizing any hazardous waste facility in this state to file a registration report containing such information as the commission by regulation may specify relating to types and quantities of hazardous waste generated and methods of hazardous waste management, and to meet all other requirements placed upon hazardous waste generators by

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sections 260.350 to 260.430 and the standards, rules and regulations and orders adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430;**

(11) Require each hazardous waste transporter operating in this state to obtain a license and to meet all applicable requirements of sections 260.350 to 260.430 and the standards, rules and regulations, orders and license terms and conditions adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430;**

(12) Require each hazardous waste facility owner and operator to obtain a permit for each such facility and to meet all applicable requirements of sections 260.350 to 260.430 and the standards, rules and regulations, orders and permit terms and conditions adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430;**

(13) Issue, continue in effect, revoke, modify or deny in accordance with the standards, rules and regulations, hazardous waste transporter licenses and hazardous waste facility permits;

(14) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of sections 260.350 to 260.430;

(15) Enter such order or determination as may be necessary to effectuate the provisions of sections 260.350 to 260.430 and the standards, rules and regulations, and license and permit terms and conditions adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430;**

(16) Enter such order or cause to be instituted in a court of competent jurisdiction such legal proceedings as may be necessary in a situation of imminent hazard, as prescribed in section 260.420;

(17) Settle or compromise as it may deem advantageous to the state, with the approval of the commission, any suit undertaken by the commission for recovery of any penalty or for compelling compliance with any provision of sections 260.350 to 260.430 or any standard, rule or regulation, order, or license or permit term or condition adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430;**

(18) Advise, consult and cooperate with other agencies of the state, the federal government, other states and interstate agencies and with affected groups, political subdivisions and industries in furtherance of the purposes of sections 260.350 to 260.430 and, upon request, consult with persons subject to sections 260.350 to 260.430 on the proper measures necessary to comply with the requirements of sections 260.350 to 260.430 and rules and regulations adopted [hereunder] **pursuant to sections 260.350 to 260.430;**

(19) Encourage, coordinate, participate in or conduct studies, investigations, research and demonstrations relating to hazardous waste management as it may deem advisable and necessary for the discharge of its duties [under] **pursuant to** sections 260.350 to 260.430;

(20) Represent the state of Missouri in all matters pertaining to interstate hazardous waste management including the negotiation of interstate compacts or agreements;

(21) Arrange for the establishment, staffing, operation and maintenance of collection stations, within appropriations or other funding available therefor, for householders, farmers and other exempted persons as provided [under] **in** section 260.380;

(22) Collect and disseminate information relating to hazardous waste management;

(23) Conduct education and training programs on hazardous waste problems and management;

(24) Encourage and facilitate public participation in the development, revision and implementation of the state hazardous waste program;

(25) Encourage waste reduction, resource recovery, exchange and energy conservation in hazardous waste management;

(26) Exercise all powers necessary to carry out the provisions of sections 260.350 to 260.430, assure that the state of Missouri complies with any federal hazardous waste management act and retains maximum control thereunder, and receives all desired federal grants, aid and other benefits;

(27) Present to the public, at a public meeting, and to the governor and the members of the general assembly, an annual report on the status of the state hazardous waste program;

(28) Develop comprehensive plans and programs to aid in the establishment of hazardous waste disposal sites as needed within the various geographical areas of the state within a reasonable period of time;

(29) Control, abate or clean up any hazardous waste placed into or on the land in a manner which endangers or is reasonably likely to endanger the health of humans or the environment and, in aid thereof, may cause to be filed by the attorney general or a prosecuting attorney, a suit seeking mandatory or prohibitory injunctive relief or such other relief as may be appropriate. The department shall also take such action as is necessary to recover all costs associated with the cleanup of any hazardous waste from the person responsible for the waste. All money

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received shall be deposited in the hazardous waste fund[.] **created in section 260.391;**

**(30) Oversee any corrective action work undertaken pursuant to sections 260.350 to 260.430 and rules promulgated pursuant to sections 260.350 to 260.430 to investigate, monitor, or clean up releases of hazardous waste or hazardous constituents to the environment at hazardous waste facilities. The department shall review the technical and regulatory aspects of corrective action plans, reports, documents, and associated field activities, and attest to their accuracy and adequacy. Owners or operators of hazardous waste facilities performing corrective actions shall pay to the department all reasonable costs, as determined by the commission, incurred by the department pursuant to this subdivision. All such funds remitted by owners or operators of hazardous waste facilities performing corrective actions shall be deposited in the hazardous waste fund created in section 260.391.**

**260.380. DUTIES OF HAZARDOUS WASTE GENERATORS — FEES TO BE COLLECTED, DISPOSITION — EXEMPTIONS. — 1.** After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, hazardous waste generators shall:

(1) Promptly file and maintain with the department, on registration forms it provides for this purpose, information on hazardous waste generation and management as specified by rules and regulations, and the hazardous waste generator may provide such information in a single registration form for all hazardous waste generation sites owned or operated by the hazardous waste generator or may register each hazardous waste generation site separately for the purposes of subdivision (10) of this subsection. **Hazardous waste generators shall pay a one hundred dollar registration fee upon initial registration, and a one hundred dollar registration renewal fee annually thereafter to maintain an active registration. Such fees shall be deposited in the hazardous waste fund created in section 260.391;**

(2) Containerize and label all hazardous wastes as specified by standards, rules and regulations;

(3) Segregate all hazardous wastes from all nonhazardous wastes and from noncompatible wastes, materials and other potential hazards as specified by standards, rules and regulations;

(4) Provide safe storage and handling, including spill protection, as specified by standards, rules and regulations, for all hazardous wastes from the time of their generation to the time of their removal from the site of generation;

(5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste transporter holding a license [under] **pursuant to** sections 260.350 to 260.430 for the removal of all hazardous wastes from the premises where they were generated;

(6) Unless provided otherwise in the rules and regulations, provide a separate manifest to the transporter for each load of hazardous waste transported from the premises where it was generated. The generator shall specify the destination of such load on the manifest. The manner in which the manifest shall be completed, signed and filed with the department shall be in accordance with rules and regulations;

(7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes, only a hazardous waste facility authorized to operate [under] **pursuant to** sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized [under] **pursuant to** the federal Resource Conservation and Recovery Act, or any facility exempted from the permit required [under] **pursuant to** section 260.395;

(8) Collect and maintain such records, perform such monitoring or analyses, and submit such reports on any hazardous waste generated, its transportation and final disposition, as specified in sections 260.350 to 260.430 and rules and regulations adopted [hereunder] **pursuant to sections 260.350 to 260.430**;

(9) Make available to the department upon request samples of waste and all records relating to hazardous waste generation and management for inspection and copying and allow the department to make unhampered inspections at any reasonable time of hazardous waste generation and management facilities located on the generator's property and hazardous waste generation and management practices carried out on the generator's property;

(10) Pay annually, on or before January first of each year, effective January 1, 1982, a fee to the state of Missouri to be placed in the hazardous waste fund to be used solely for the administrative costs of the program. The fee shall not exceed one dollar per ton of hazardous waste registered with the department as specified in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the previous year. The amount of the fee shall be established annually by the

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commission by rule or regulation. However, the fee shall not exceed ten thousand dollars per generator per year and no fee shall be imposed upon any generator who registers less than ten tons of hazardous waste annually with the department;

(a) All moneys payable [under] **pursuant to** the provisions of this subdivision shall be promptly transmitted to the department of revenue, which shall deposit the same in the state treasury to the credit of the hazardous waste fund **created in section 260.391**;

(b) The hazardous waste management commission shall establish and submit to the department of revenue procedures relating to the collection of the fees authorized by this subdivision. Such procedures shall include, but not be limited to, necessary records identifying the quantities of hazardous waste registered, the form and submission of reports to accompany the payment of fees, the time and manner of payment of fees, which shall not be more often than quarterly.

2. Exempted from the requirements of this section are individual householders and farmers who generate only small quantities of hazardous waste and any person the commission determines generates only small quantities of hazardous waste on an infrequent basis, except that:

(1) Householders, farmers and exempted persons shall manage all hazardous wastes they may generate in a manner so as not to adversely affect the health of humans, or pose a threat to the environment, or create a public nuisance; and

(2) The department may determine that a specific quantity of a specific hazardous waste requires special management. Upon such determination and after public notice by press release or advertisement thereof, including instructions for handling and delivery, generators exempted [under] **pursuant to** this subsection shall deliver, but without a manifest or the requirement to use a licensed hazardous waste transporter, such waste to:

(a) Any storage, treatment or disposal site authorized to operate [under] **pursuant to** sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized [under] **pursuant to** the federal Resource Conservation and Recovery Act which the department designates for this purpose; or

(b) A collection station or vehicle which the department may arrange for and designate for this purpose.

**260.391. HAZARDOUS WASTE FUND CREATED — PAYMENTS — NOT TO LAPSE — SUBACCOUNT, FUNDS, PURPOSE.** — 1. There is hereby created in the state treasury a fund to be known as the "Hazardous Waste Fund". All funds received from hazardous waste permit and license fees, generator fees, taxes collected by contract hazardous waste landfill operators, general revenue, federal funds, gifts, bequests, donations, or any other moneys so designated shall be paid to the director of revenue and deposited in the state treasury to the credit of the hazardous waste fund. The hazardous waste fund, subject to appropriation by the general assembly, shall be used by the department as provided by appropriations and consistent with rules and regulations established by the hazardous waste management commission for the purpose of carrying out the provisions of sections 260.350 to 260.430, [relating to] **for the management of** hazardous waste, [for cleanup of] **responses to** hazardous [waste emergencies] **substance releases as provided in sections 260.500 to 260.550, corrective actions at regulated facilities** and [abandoned or] illegal hazardous waste sites and for payments to other state agencies for such services consistent with sections 260.350 to 260.430, upon proper warrant issued by the commissioner of administration.

2. The unexpended balance in the hazardous waste fund at the end of each fiscal year shall not be transferred to the general revenue fund of the state treasurer, except as directed by the general assembly by appropriation, and shall be invested to generate income to the fund. The provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund of the state by the state treasurer shall not apply to the hazardous waste fund.

3. There is hereby created within the hazardous waste fund a subaccount known as the "Hazardous Waste Facility Inspection Subaccount". All funds received from hazardous waste facility inspection fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the hazardous waste facility inspection subaccount. Moneys from such subaccount shall be used by the department for conducting inspections at facilities that are permitted or are required to be permitted as hazardous waste facilities by the department.

**260.395. TRANSPORTATION OF HAZARDOUS WASTE, HOW PERMITTED — FEES, HOW DETERMINED — NOTICE PRIOR TO ISSUANCE OF PERMIT — PERMIT NOT REQUIRED OF WHOM —**

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APPLICATION FOR CERTIFICATION, WHEN — PERMIT MAINTAINED FOR  
POSTCLOSURE CARE PERIOD — LEACHATE COLLECTION SYSTEM  
REQUIRED — RAILROAD HAZARDOUS WASTE TRANSPORTATION, FEE.

— 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to transport any hazardous waste in this state without first obtaining a hazardous waste transporter license. Any person transporting hazardous waste in this state shall file an application for a license [under] **pursuant to** this subsection which shall:

(1) Be submitted on a form provided for this purpose by the department and shall furnish the department with such equipment identification and data as may be necessary to demonstrate to the satisfaction of the department that equipment engaged in such transportation of hazardous waste, and other equipment as designated in rules and regulations [hereunder] **pursuant to sections 260.350 to 260.430**, is adequate to provide protection of the health of humans and the environment and to comply with the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted [hereunder] **pursuant to sections 260.350 to 260.430**. If approved by the department, this demonstration of protection may be satisfied by providing certification that the equipment so identified meets and will be operated in accordance with the rules and regulations of the Missouri public service commission and the federal Department of Transportation for the transportation of the types of hazardous materials for which it will be used;

(2) Include, as specified by rules and regulations, demonstration of financial responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or any combination thereof which shall be related to the number of units, types and sizes of equipment to be used in the transport of hazardous waste by the applicant;

(3) Include, as specified in rules and regulations, a fee payable to the state of Missouri which shall [be an amount to be determined by the number of vehicles and the gross weight of each vehicle to be covered by the license but shall not exceed one hundred dollars per vehicle to be covered by the license.] **consist of an annual application fee, plus an annual use fee based upon tonnage, mileage or a combination of tonnage and mileage. The fees established pursuant to this subdivision shall be set to generate, as nearly as is practicable, six hundred thousand dollars annually. No fee shall be collected pursuant to this subdivision from railroads that pay a fee pursuant**

**to subsection 19 of this section. Fees collected pursuant to this subdivision shall be deposited in the hazardous waste fund created pursuant to section 260.391.**

2. If the department determines the application conforms to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted [hereunder] **pursuant to sections 260.350 to 260.430**, it shall issue the hazardous waste transporter license with such terms and conditions as it deems necessary to protect the health of humans and the environment. The department shall act within ninety days after receipt of the application. If the department denies the license, it shall issue a report to the applicant stating the reason for denial of the license.

3. A license may be suspended or revoked whenever the department determines that the equipment is or has been operated in violation of any provision of sections 260.350 to 260.430 or any standard, rule or regulation, order, or license term or condition adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**, poses a threat to the health of humans or the environment, or is creating a public nuisance.

4. Whenever a license is issued, renewed, denied, suspended or revoked by the department, any aggrieved person, by petition filed with the department within thirty days of the decision, may appeal such decision and shall be entitled to a hearing as provided in section 260.400.

5. A license shall be issued for a period of one year and shall be renewed upon proper application by the holder and a determination by the department that the applicant is in compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and regulations, orders and license terms and conditions adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**.

6. A license is not required for the transport of any hazardous waste on the premises where it is generated or onto contiguous property owned by the generator thereof, or for those persons exempted in section 260.380. Nothing in this subsection shall be interpreted to preclude the department from inspecting unlicensed hazardous waste transporting equipment and to require that it be adequate to provide protection for the health of humans and the environment.

7. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to construct, substantially alter or operate, including postclosure activities and operations specified in the rules and regulations, a hazardous waste facility without first obtaining a

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hazardous waste facility permit for such construction, alteration or operation from the department. Such person must submit to the department at least ninety days prior to submitting a permit application a letter of intent to construct, substantially alter or operate any hazardous waste disposal facility. The person must file an application within one hundred eighty days of the filing of a letter of intent unless granted an extension by the commission. The department shall publish such letter of intent as specified in section 493.050, RSMo, within ten days of receipt of such letter. The letter shall be published once each week for four weeks in the county where the hazardous waste disposal facility is proposed. Once such letter is submitted, all conditions for the permit application evaluation purposes in existence as of the date of submission shall be deemed frozen, in that no subsequent action by any person to change such conditions in an attempt to thwart a fair and impartial decision on the application for a permit shall be allowed as grounds for denial of the permit. Any person before constructing, substantially altering or operating a hazardous waste facility in this state shall file an application for a permit which shall:

(1) Be submitted on a form provided for this purpose by the department and shall furnish the department with plans, specifications and such other data as may be necessary to demonstrate to the satisfaction of the department that such facility does or will provide adequate protection of the health of humans and the environment and does or will comply with the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted [hereunder] **pursuant to sections 260.350 to 260.430;**

(2) Include plans, designs, engineering reports and relevant data for construction, alteration or operation of a hazardous waste facility, to be submitted to the department by a registered professional engineer licensed by this state;

(3) Include, as specified by rules and regulations, demonstration of financial responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or any combination thereof, which shall be related to type and size of facility;

(4) Include such environmental and geologic information, assessments and studies as required by the rules and regulations of the commission;

(5) Submit with the application for a hazardous waste disposal or treatment facility a profile of the environmental and economic

characteristics of the area as required by the commission, including the extent of air pollution and groundwater contamination; and a profile of the health characteristics of the area which identifies all serious illness, the rate of which exceeds the state average for such illness, which might be attributable to environmental contamination;

(6) Include a fee payable to the state of Missouri which shall not exceed one thousand dollars, which shall cover the first year of the permit, if issued, but which is not refundable. If the permit is issued for more than one year, a fee equal in amount to the first year's fee shall be paid to the state of Missouri prior to issuance of the permit for each year the permit is to be in effect beyond the first year;

(7) The department shall supervise any field work undertaken to collect geologic and engineering data for submission with the application. The state geologist and departmental engineers shall review the geologic and engineering plans, respectively, and attest to their accuracy and adequacy. The applicant shall pay all reasonable costs, as determined by the commission, incurred by the department [under] **pursuant to** this subsection.

8. (1) Prior to issuing or renewing a hazardous waste facility permit, the department shall issue public notice by press release or advertisement and shall notify all record owners of adjoining property by mail directed to the last known address, and the village, town or city, if any, and the county in which the hazardous waste facility is located; and, upon request, shall hold a public hearing after public notice as required in this subsection at a location convenient to the area affected by the issuance of the permit.

(2) Prior to issuing, reviewing every five years as required in subsection 12 of this section, or renewing a hazardous waste disposal facility permit the department shall issue public notice by press release and advertisement and shall notify all record owners of property, within one mile of the outer boundaries of the site, by mail directed to the last known address; and shall hold a public hearing after public notice as required in this subsection at a location convenient to the area affected by the issuance of the permit.

9. If the department determines that the application conforms to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted [hereunder] **pursuant to sections 260.350 to 260.430**, it shall issue the hazardous waste facility permit, with such terms and conditions and require such testing and construction supervision as it deems necessary to

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protect the health of humans or the environment. The department shall act within one hundred and eighty days after receipt of the application. If the department denies the permit, it shall issue a report to the applicant stating the reason for denial of a permit.

10. A permit may be suspended or revoked whenever the department determines that the hazardous waste facility is, or has been, operated in violation of any provision of sections 260.350 to 260.430 or any standard, rule or regulation, order or permit term or condition adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**, poses a threat to the health of humans or the environment or is creating a public nuisance.

11. Whenever a permit is issued, renewed, denied, suspended or revoked by the department, any aggrieved person, by petition filed with the department within thirty days of the decision, may appeal such decision and shall be entitled to a hearing as provided in section 260.400.

12. A permit shall be issued for a fixed term, which shall not exceed ten years in the case of any land disposal facility, storage facility, incinerator, or other treatment facility. Each permit for a land disposal facility shall be reviewed five years after the date of its issuance or reissuance and shall be modified as necessary to assure that the facility continues to comply with the currently applicable requirements of federal and state law. Nothing in this subsection shall preclude the department from reviewing and modifying a permit at any time during its term. Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology as well as changes in applicable regulations. Each permit issued [under] **pursuant to** this section shall contain such terms and conditions as the department determines necessary to protect human health and the environment, and upon proper application by the holder and a determination by the department that the applicant is in compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and regulations, orders and permit terms and conditions adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**.

13. A hazardous waste facility permit is not required for:

(1) On-site storage of hazardous wastes where such storage is exempted by the commission by rule or regulation; however, such storage must conform to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the applicable standards, rules and regulations adopted [hereunder] **pursuant to**

**sections 260.350 to 260.430** and any other applicable hazardous materials storage and spill prevention requirements provided by law;

(2) A publicly owned treatment works which has an operating permit [under] **pursuant to** section 644.051, RSMo, and is in compliance with that permit;

(3) A resource recovery facility which the department certifies uses hazardous waste as a supplement to, or substitute for, nonwaste material, and that the sole purpose of the facility is manufacture of a product rather than treatment or disposal of hazardous wastes;

(4) That portion of a facility engaged in hazardous waste resource recovery, when the facility is engaged in both resource recovery and hazardous waste treatment or disposal, provided the owner or operator can demonstrate to the department's satisfaction and the department finds that such portion is not intended and is not used for hazardous waste treatment or disposal.

14. Facilities exempted [under] **pursuant to** subsection 13 of this section must comply with the provisions of subdivisions (3) to (7) of section 260.390 and such other requirements, to be specified by rules and regulations, as are necessary to comply with any federal hazardous waste management act or regulations hereunder. Generators who use such an exempted facility shall keep records of hazardous wastes transported, except by legal flow through sewer lines, to the facility and submit such records to the department in accordance with the provisions of section 260.380 and the standards, rules and regulations adopted [hereunder.] **pursuant to sections 260.350 to 260.430. Any person, before constructing, altering or operating a resource recovery facility in this state shall file an application for a certification. Such application shall include:**

(1) **Plans, designs, engineering reports and other relevant information as specified by rule that demonstrate that the facility is designed and will operate in a manner protective of human health and the environment; and**

(2) **An application fee of not more than five hundred dollars for a facility that recovers waste generated at the same facility or an application fee of not more than one thousand dollars for a facility that recovers waste generated at off-site sources. Such fees shall be deposited in the hazardous waste fund created in section 260.391. The department shall review such application for conformance with applicable laws, rules and standard engineering principles and practices. The applicant shall pay to the department all reasonable**

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**costs, as determined by the commission, incurred by the department pursuant to this subsection. All such funds shall be deposited in the hazardous waste fund created in section 260.391.**

15. The owner or operator of any hazardous waste facility in existence on September 28, 1977, who has achieved federal interim status [under] **pursuant to** 42 U.S.C. 6925(e), and who has submitted to the department Part A of the federal facility permit application, may continue to receive and manage hazardous wastes in the manner as specified in the Part A application, and in accordance with federal interim status requirements, until completion of the administrative disposition of a permit application submitted pursuant to sections 260.350 to 260.430. The department may at any time require submission of, or the owner or operator may at any time voluntarily submit, a complete application for a permit pursuant to sections 260.350 to 260.430 and commission regulations. The authority to operate [under] **pursuant to** this subsection shall cease one hundred eighty days after the department has notified an owner or operator that an application for permit pursuant to sections 260.350 to 260.430 must be submitted, unless within such time the owner or operator submits a completed application therefor. Upon submission of a complete application, the authority to operate [under] **pursuant to** this subsection shall continue for such reasonable time as is required to complete the administrative disposition of the permit application. If a facility loses its federal interim status, or the Environmental Protection Agency requires the owner or operator to submit Part B of the federal application, the department shall notify the owner or operator that an application for a permit must be submitted pursuant to this subsection. In addition to compliance with the federal interim status requirements, the commission shall have the authority to adopt regulations requiring persons operating [under the authority of] **pursuant to** this subsection to meet additional state interim status requirements.

16. A license or permit shall not be issued to any person who is determined by the department to habitually engage in or to have habitually engaged in hazardous waste management practices which pose a threat to the health of humans or the environment or who is determined by the department to habitually violate or to have habitually violated the requirements of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws of other states or federal laws pertaining to hazardous waste. Nor shall a license or permit be issued to any person who has been adjudged in contempt of any court order enforcing the

provisions of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws of other states or federal laws pertaining to hazardous waste or who has offered, in person or through an agent, any inducement, including any discussion of potential employment opportunities, to any employee of the department when such person has an application for a permit pending or a permit under review. For the purposes of this subsection, the term "person" shall include any officer or management employee of the applicant, or any officer or management employee of any corporation or business which owns an interest in the applicant, or any officer or management employee of any business which is owned either wholly or in part by any person, corporation, or business which owns an interest in the applicant.

17. No person, otherwise qualified [under] **pursuant to** sections 260.350 to 260.430 for a license to transport hazardous wastes or for a permit to construct, substantially alter or operate a hazardous waste facility, shall be denied such license or permit on the basis of a lack of need for such transport service or such facility because of the existence of other services or facilities capable of meeting that need; except that permits for hazardous waste facilities may be denied on determination made by the department that the financial resources of the persons applying are such that the continued operation of the sites in accordance with sections 260.350 to 260.430 cannot be reasonably assured or on determination made by the department that the probable volume of business is insufficient to ensure and maintain the solvency of then existing permitted hazardous waste facilities.

18. All hazardous waste landfills constructed after October 31, 1980, shall have a leachate collection system. The rules and regulations of the commission shall treat and protect all aquifers to the same level of protection. The provisions of this subsection shall not apply to the disposal of tailings and slag resulting from mining, milling and primary smelting operations.

**19. Any railroad corporation as defined in section 388.010, RSMo, that transports any hazardous waste as defined in section 260.360 or any hazardous substance as defined in section 260.500 shall pay an annual fee of three hundred fifty dollars. Fees collected pursuant to this subsection shall be deposited in the hazardous waste fund created in section 260.391.**

**260.475. FEES TO BE PAID BY HAZARDOUS WASTE GENERATORS —  
EXCEPTIONS — FEE DISTRIBUTION — VIOLATIONS, PENALTY —**

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**DEPOSIT — FEE REQUIREMENT, EXPIRATION.**— 1. Every hazardous waste generator shall pay, in addition to the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste annually pursuant to section 260.380, or upon:

- (1) Hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site;
  - (2) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;
  - (3) Solid waste from the extraction, beneficiation and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore and smelter slag waste from the processing of materials into reclaimed metals;
  - (4) Cement kiln dust waste;
  - (5) Waste oil; or
  - (6) Hazardous waste that is:
    - (a) Reclaimed or reused for energy and materials;
    - (b) Transformed into new products which are not wastes;
    - (c) Destroyed or treated to render the hazardous waste nonhazardous;
- or
- (d) Waste discharged to a publicly owned treatment works.

2. The fees imposed in this section shall be reported and paid to the department on an annual basis not later than the first of January. The payment shall be accompanied by a return in such form as the department may prescribe.

3. **Sixty percent of all moneys collected or received by the department [under] pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste remedial fund created in section 260.480. Forty percent of all moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste fund created pursuant to section 260.391.**

Following each annual reporting date, the state treasurer shall certify the amount deposited in the fund to the commission.

4. If any generator or transporter fails or refuses to pay the fees imposed by this section, or fails or refuses to furnish any information reasonably requested by the department relating to such fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of fifteen percent of the fee, **sixty percent of which shall be deposited in the hazardous waste remedial fund, and forty percent of which shall be deposited in the hazardous waste fund.**

5. If the fees or any portion of the fees imposed by this section are not paid by the date prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for its payment until payment is actually made, **sixty percent of which shall be deposited in the hazardous waste remedial fund, forty percent of which shall be deposited in the hazardous waste fund.**

6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste remedial fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided for by law relative to state deposits. Interest received on such deposits shall be credited to the hazardous waste remedial fund.

7. No fee shall be collected [under] **pursuant to** this section after January 1, [2004] **2005**.

**260.479. COMMISSION TO ESTABLISH SUBDIVISIONS OF WASTE BASED ON MANAGEMENT, FEES CHARGED AGAINST GENERATORS — LIMITS ON CERTAIN FEES — EXCEPTIONS — FEE DISTRIBUTION — EXPIRES, WHEN.** — 1. The hazardous waste management commission shall establish, by rule, [five categories] **two subdivisions** of hazardous waste [based on the tonnage produced annually by individual generators and each category shall be further divided into subdivisions] based upon the management method. Subdivision A shall include waste which is placed in a hazardous waste disposal facility or which is stored for a period of more than one hundred eighty days; provided, however, for the purposes of this section, the commission may identify hazardous waste which shall be taxed [under] **pursuant to** subdivision A when stored for longer than ninety days as well as waste which may be stored for up to one year and taxed as provided in subdivision B below. Subdivision B shall include all other hazardous waste produced. [Category 1 shall contain the range of greatest production and category 5 the range of least production with categories 2, 3 and 4 containing those ranges of waste

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production in between 1 and 5. The commission shall review the categories and establish such categories that will, as near as practical, generate approximately one and one-half million dollars annually.] The director shall annually request that [an amount] **a minimum of one million dollars** be appropriated from general revenue [or federal] funds [which is at least equal to one-third the amount levied against hazardous waste generators pursuant to this section] **for deposit in the hazardous waste remedial fund created pursuant to section 260.480.**

2. [Based on the categories established pursuant to this section] **Except as provided in this subsection and subsection 5 of this section,** each hazardous waste generator registered with the department of natural resources, except the state and any political subdivision thereof, shall pay a fee based on the volume of waste produced in each of the [five categories and managed under] subdivisions A and B as follows: [Category                      Subdivision A

|   | Subdivision B |          |
|---|---------------|----------|
| 1 | \$50,000      | \$25,000 |
| 2 | \$30,000      | \$15,000 |
| 3 | \$20,000      | \$10,000 |
| 4 | \$10,000      | \$ 5,000 |
| 5 | \$ 1,000      | \$ 500]  |

**(1) For subdivision A waste, the fee shall be equal to 0.90785 times the amount of waste in short tons times the following sum: twenty-one dollars and eighty cents plus the product of 7.9890 cents times the amount of waste in short tons, except that the fee for subdivision A waste shall not exceed eighty thousand dollars; and**

**(2) For subdivision B waste, the fee shall be equal to 0.90785 times the amount of waste in short tons times the following sum: ten dollars and ninety cents plus the product of 3.9945 cents times the amount of waste in short tons, except that the fee for subdivision B waste shall not exceed forty thousand dollars.**

No company shall pay more than [fifty] **eighty** thousand dollars annually [under the provisions of] **pursuant to this [section.] subsection;** **provided that all fee amounts established pursuant to this subsection may be adjusted annually by the commission by an amount not to exceed two and fifty-five hundredths percent. No individual generator subject to a fee pursuant to this section shall pay less than fifty dollars annually.**

3. No tax shall be imposed [under] **pursuant to** this section upon hazardous waste generators whose waste consists solely of waste oil or

facilities licensed [under] **pursuant to** chapter 197, RSMo. The commission may exempt intermittent generators or generators of very small volumes of hazardous waste from payment of fees required [under] **pursuant to** this section, provided those generators comply with all other applicable provisions of sections 260.360 to 260.430.

4. Any hazardous waste generator registered with the department which discharges waste to a publicly owned treatment works having an approved pretreatment program as required by chapter 204, RSMo, shall not pay any fee required in sections 260.350 to 260.550 on such waste discharged which is in compliance with pretreatment requirements. The hazardous waste management commission may exempt such generators from the provisions of sections 260.350 to 260.430 if such exemption will not be in violation of the federal Resource Conservation and Recovery Act.

5. No fee shall be imposed [under] **pursuant to** this section [upon any hazardous waste fuel which is produced from hazardous waste by processing, blending or other treatment and which fuel is generated after June 30, 1987, or] upon any hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site, or upon smelter slag waste from the processing of materials into reclaimed metals. **Fees on hazardous waste fuel produced from hazardous waste by processing, blending or other off-site treatment shall be assessed and collected only at the facility where such hazardous waste fuel is utilized as a substitute for other fuel. No facility using hazardous waste fuel shall pay more than eighty thousand dollars annually pursuant to this subsection for the first fiscal year fees are assessed pursuant to this section, and such maximum amount may be adjusted annually thereafter by the commission by an amount not to exceed two and fifty-five hundredths percent. This subsection shall not be construed to apply to hazardous waste used directly as a fuel that has not been processed, blended, or otherwise treated off-site. Such waste shall be subject to the fees established in subsection 2 of this section.**

6. The department may establish by rule and regulation categories of waste based upon waste characteristics pursuant to subsection 2 of section 260.370. When the commission adopts hazardous waste categories, it shall establish and annually revise a fee schedule based upon waste characteristics. Each generator shall annually pay a fee, in lieu of the fee required in subsection 2 of this section, based upon the volume of waste produced annually within each hazard category.

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7. All fees within this section shall be based on hazardous waste produced within the preceding state fiscal year beginning with July first of the year this section goes into effect and payable at the end of the calendar year on December thirty-first and annually thereafter in the same manner; **provided that no liability for fees shall be accrued pursuant to subsection 5 of this section for any waste used as a fuel prior to the effective date of this section.**

8. The department shall promptly transmit **sixty percent of all** funds collected [under] **pursuant to** this section to the director of revenue for deposit in the hazardous waste remedial fund **created pursuant to section 260.480. The department shall promptly transmit forty percent of all funds collected pursuant to this section to the director of revenue for deposit in the hazardous waste fund created pursuant to section 260.391.**

9. [This section shall become effective on January 1, 1987, or at such time that annual receipts to the hazardous waste remedial fund as established in section 260.480 are less than one million five hundred thousand dollars, whichever first occurs. The provisions of subsection 4 of section 260.478,] Notwithstanding **any other provision of law to the contrary**, no tax based on the number of employees employed by a hazardous waste generator shall be collected [after January 1, 1987]. No tax or fee shall be levied pursuant to this section after January 1, [2004] **2005.**

**260.480. HAZARDOUS WASTE REMEDIAL FUND ESTABLISHED —  
USES OF FUND — NO TRANSFER TO GENERAL REVENUE, EXCEPTION. —**

1. There is hereby created within the state treasury a fund to be known as the "Hazardous Waste Remedial Fund". All moneys received from fees, penalties, general revenue, federal funds, gifts, bequests, donations, or any other moneys so designated shall be deposited in the state treasury to the credit of such fund, and shall be invested to generate income to the fund. Notwithstanding the provisions of section 33.080, RSMo, the unexpended balance in the hazardous waste remedial fund at the end of each fiscal year shall not be transferred to the general revenue fund except as directed by the general assembly by appropriation to replace funds appropriated from the general revenue fund for the purposes for which expenditures from the hazardous waste remedial fund are allowed.

2. The department may use the fund, upon appropriation, for the nonfederal share and any other expenditures which are not covered [under] **pursuant to** the federal Comprehensive Environmental

Response, Compensation and Liability Act of 1980, for the following purposes:

(1) Administrative services as appropriate and necessary for the identification, assessment and cleanup of abandoned or uncontrolled sites [under] **pursuant to** sections 260.435 to 260.550;

(2) Payments to other state agencies for such services consistent with sections 260.435 to 260.550, upon proper warrant issued by the commissioner of administration, including, but not limited to, the department of health for the purpose of conducting health studies of persons exposed to waste from an uncontrolled or abandoned hazardous waste site or exposed to the release of any hazardous substance as defined in section 260.500;

(3) Acquisition of property as provided in section 260.420;

(4) [Emergency response activities as provided in sections 260.500 to 260.550;

(5)] The study of the development of a hazardous waste facility in Missouri as authorized in section 260.037;

[(6)] (5) Financing the nonfederal share of the cost of cleanup and site remediation activities as well as post-closure operation and maintenance costs, pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; and

[(7)] (6) Reimbursement of owners or operators who accept waste pursuant to departmental orders [under] **pursuant to** subdivision (2) of subsection 1 of section 260.420.

3. Neither the state of Missouri nor its officers, employees or agents shall be liable for any injury caused by a dangerous condition at any abandoned or uncontrolled site unless such condition is the result of an act or omission constituting gross negligence on the part of the state, its officers, employees or agents.

4. The department may contract with any person to perform the acts authorized in this section.

5. No moneys shall be available from the fund for abandoned site cleanup unless the director has made all reasonable efforts to secure voluntary agreement to pay the costs of necessary remedial actions from owners or operators of abandoned or uncontrolled hazardous waste sites or other responsible persons.

6. The director shall make all reasonable efforts to recover the full amount of any funds expended from the fund through litigation or cooperative agreements with responsible persons. All moneys recovered or reimbursed pursuant to this section through voluntary agreements or

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court orders shall be deposited with the state treasurer and credited to the account of the hazardous waste remedial fund.

**260.500. DEFINITIONS.**—As used in sections 260.500 to 260.550, unless the context clearly indicates otherwise, the following terms mean:

(1) "Cleanup", all actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance;

(2) "Cleanup costs", all costs incurred by the state or any of its political subdivisions, or their agents, or by any other person participating with the approval of the department of natural resources in the prevention or mitigation of damages from a hazardous substance emergency or the cleanup of a hazardous substance involved in a hazardous substance emergency, **including a proportionate share of those costs necessary to maintain the services authorized in sections 260.500 to 260.550;**

(3) "Department", the department of natural resources;

(4) "Director", the director of the department of natural resources;

(5) "Hazardous substance", any substance or mixture of substances that presents a danger to the public health or safety or the environment and includes:

(a) Any hazardous waste identified or listed by the department [under] **pursuant to** sections 260.350 to 260.430;

(b) Any element, compound, mixture, solution, or substance designated pursuant to Sections 101(14) and 102 of the Comprehensive [Environment] **Environmental** Response, Compensation and Liability Act of 1980, **as amended, and Section 302 of the Superfund Amendments and Reauthorization Act of 1986, as amended;** and

(c) Any hazardous material designated by the Secretary of the United States Department of Transportation [under] **pursuant to** the Hazardous Materials Transportation Act;

(d) "Hazardous substances" does not include radioactive materials, wastes, emissions or discharges that are licensed or regulated by laws of the federal government or of this state. However, such material released due to a transportation accident shall be considered a hazardous substance;

(6) "Hazardous substance emergency":

(a) Any release of hazardous substances in quantities equal to or in excess of those determined pursuant to Section 101(14) or 102 of the Comprehensive Environmental Response, Compensation and Liability

**Act of 1980, as amended, and Section 304 of the Superfund Amendments and Reauthorization Act of 1986, as amended;**

(b) Any release of petroleum including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas) in excess of fifty gallons for liquids or three hundred cubic feet for gases, except that the notification and reporting of any release of natural gas or natural gas mixtures by or from intrastate facilities, regardless of the quantity of such release, shall be as specified by the public service commission rather than pursuant to the notification and reporting requirements contained in, or authorized by, sections 260.500 to 260.550. Interstate natural gas pipeline facilities shall report natural gas releases to the state and the National Response Center in accordance with federal Department of Transportation regulatory requirements;

(c) Any release of a hazardous waste which is reportable [under] **pursuant to** sections 260.350 to 260.430;

(d) Any release of a hazardous substance which requires immediate notice [under] **pursuant to** Part 171 of Title 49 of the Code of Federal Regulations;

(e) The department [shall] **may** promulgate rules and regulations identifying the substances and the quantities thereof which, if released, constitute a hazardous substance emergency;

(7) "Person", any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;

(8) "Person having control over a hazardous substance", any person producing, handling, storing, transporting, refining, or disposing of a hazardous substance when a hazardous substance emergency occurs, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous substance emergency occurs, whether they own the hazardous substance or are operating under a lease, contract, or other agreement with the legal owner thereof;

(9) "Release", any threatened or real emission, discharge, spillage, leakage, pumping, pouring, emptying or dumping of a substance into or onto the land, air or waters of the state unless done in compliance with the conditions of a federal or state permit, unless the substance is confined and is expected to stay confined to property owned, leased or otherwise controlled by the person having control over the substance, or

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unless, in the case of pesticides, if application is done in accordance with the product label;

(10) "State of Missouri basic emergency operations plan", the state plan, its annexes, and appendices as developed or maintained by the state emergency management agency for response to natural and man-made disasters in this state;

(11) "Waters of the state", all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common and includes waters of the United States lying within the state.

**260.535. HAZARDOUS WASTE FUND, DEPOSITS TO — PURPOSE FOR USE.**—Moneys received pursuant to the provisions of sections 260.500 to 260.550 which are not required by article IX, section 7 of the constitution to be distributed to schools shall be deposited in the hazardous waste [remedial] fund **created in section 260.391** and shall, upon appropriation, be used for control, abatement, analysis, cleanup, investigation and other reasonable costs incurred when responding to hazardous substance emergencies, or shall be used to reimburse the federal government for federal funds expended for the purposes named in this section. All other costs of the department necessary to carry out the provisions of sections 260.500 to 260.550 shall be **paid from the hazardous waste fund**, appropriated from general revenue or **paid** from available federal funds.

**260.546. EMERGENCY ASSISTANCE — COST, HOW PAID — COST STATEMENT, COSTS NOT TO BE INCLUDED — PAYMENT, WHEN — AMOUNT, APPEAL PROCEDURE — STATE FUND TO PAY COST BUT REPAYMENT REQUIRED.**— 1. In the event that a hazardous substance release occurs for which a political subdivision or volunteer fire protection association as defined in section 320.300, RSMo, provides emergency services, the person having control over a hazardous substance shall be liable for such reasonable cleanup costs incurred by the political subdivision or volunteer fire protection association. Such liability includes the cost of materials, supplies and contractual services actually used to secure an emergency situation. The liability may also include the cost for contractual services which are not routinely provided by the department or political subdivision or volunteer fire protection

association. Such liability shall not include the cost of normal services which otherwise would have been provided. Such liability shall not include budgeted administrative costs or the costs for duplicate services if multiple response teams are requested by the department or political subdivision unless, in the opinion of the department or political subdivision, duplication of service was required to protect the public health and environment. Such liability shall be established upon receipt by the person having control of the spilled hazardous substance of an itemized statement of costs provided by the political subdivision.

2. Full payment shall be made within thirty days of receipt of the cost statement unless the person having control over the hazardous substance contests the amount of the costs pursuant to this section. If the person having control over the hazardous substance elects to contest the payment of such costs, he shall file an appeal with the director within thirty days of receipt of the cost statement.

3. Upon receipt of such an appeal, the director shall notify the parties involved of the appeal and collect such evidence from the parties involved as he deems necessary to make a determination of reasonable cleanup costs. Within thirty days of notification of the appeal, the director shall notify the parties of his decision. The director shall direct the person having control over a hazardous substance to pay those costs he finds to be reasonable and appropriate. The determination of the director shall become final thirty days after receipt of the notice by the parties involved unless prior to such date one of the involved parties files a petition for judicial review pursuant to chapter 536, RSMo.

4. The political subdivision or volunteer fire protection association may apply to the department for reimbursement from the hazardous waste [remedial] fund created in section [260.535] **260.391**, for the costs for which the person having control over a hazardous substance shall be liable if the political subdivision or volunteer fire protection association is able to demonstrate a need for immediate relief for such costs and believes it will not receive prompt payment from the person having control over a hazardous substance. When the liability owed to the political subdivision or volunteer fire protection association by the person having control over a hazardous substance is paid, the political subdivision or volunteer fire protection association shall reimburse the department for any payment it has received from the hazardous waste remedial fund. Such reimbursement to a political subdivision or volunteer fire protection association by the department shall be paid back to the department by the political subdivision or volunteer fire protection

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association within that time limit imposed by the department notwithstanding failure of the person having control over a hazardous substance to reimburse the political subdivision or volunteer fire protection association within that time.

**260.569. REIMBURSEMENT FOR COSTS TO DEPARTMENT, COMPUTATION — DEPOSIT OF FUNDS — TERMINATION FROM PARTICIPATION BY DEPARTMENT, WHEN — REFUND OF BALANCE, WHEN.**— 1. The department shall be reimbursed for its site-specific costs incurred in administration and oversight of the voluntary cleanup. The department shall bill applicants who conduct the voluntary cleanup at rates established by rule by the hazardous waste management commission. Such rates shall not be more than the lesser of the costs to the department or one hundred dollars per hour. The department shall furnish to the applicant a complete, full and detailed accounting of the costs incurred by the department for which the applicant is charged. The applicant may appeal any charge to the commission within thirty days of receipt of the bill. Appeal to the commission shall stay the required payment date until thirty days following the rendering of the decision of the commission. The department of natural resources shall initially draw down its charges against the application fee. Timely remittance of reimbursements, as provided in subsection 3 of this section, to the department is a condition of continuing participation. If, after the conclusion of the remedial action, a balance remains, the department shall refund that amount within sixty days. If the department fails to render any decision or take any action within the time period specified in sections 260.565 to 260.575, then the applicant shall not be required to reimburse the department for costs incurred for such review or action.

2. All funds remitted by the applicant conducting the voluntary cleanup shall be deposited into the hazardous waste **remedial fund created in section 260.480** and shall be used by the department upon appropriation for its administrative and oversight costs.

3. The department may terminate an applicant from further participation for cause. Grounds for termination include, but are not limited to:

(1) Discovery of conditions such as to warrant action [under] **pursuant to** sections 260.350 to 260.480, as amended, the Resource Conservation and Recovery Act, 42 U.S.C. section 6901 et seq., as amended, or the Comprehensive Environmental Response,

Compensation and Liability Act, 42 U.S.C. section 9601 et seq., as amended;

(2) Failure to submit cost reimbursements within sixty days following notice from the department that such reimbursements are due;

(3) Failure to submit required information within ninety days following notice from the department that such information is required;

(4) Failure to submit a remedial action plan within ninety days following notice from the department that such plan is due;

(5) Failure to properly implement the remedial action plan; and

(6) Continuing noncompliance with any of the provisions of sections 260.565 to 260.575 or the rules and regulations promulgated [thereunder] **pursuant to sections 260.565 to 260.575.**

4. Upon termination pursuant to subdivision (1) of subsection 3 of this section or subsection 11 of section 260.567, if there is a balance in the applicant's application fee after deducting costs incurred by the department of natural resources, such balance shall be refunded within sixty days. Upon termination pursuant to subdivisions (2) to (6) of subsection 3 of this section, if a balance remains in the applicant's application fee, such balance shall be forfeited and deposited in the hazardous waste **remedial** fund.

**701.337. DEPARTMENT TO ESTABLISH LEAD ABATEMENT LOAN OR GRANT PROGRAM — MISSOURI LEAD ABATEMENT LOAN FUND CREATED. — 1. The department shall have the authority to develop a plan for implementing a program that provides financial assistance via loans or grants to owners of dwellings or child-occupied facilities for performing lead abatement projects. In developing the plan, the department shall consult with the department of natural resources and the department of economic development.**

**2. The program shall accept applications from local entities for implementing at the local level of lead abatement projects that conform with the requirements of sections 701.300 to 701.338, and any rules promulgated thereunder. For purposes of this section, "local entities" shall include any municipality or county, any local not-for-profit community or housing organization or any community assistance project agency.**

**3. There is hereby established in the state treasury the "Missouri Lead Abatement Loan Fund". The state treasurer shall receive and deposit to the credit of the fund moneys from appropriations by the general assembly, repayments by applicants of**

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loans made pursuant to this section, including interest on such loans, and gifts, bequests, donations or any other payments made by any public or private entity for use in carrying out the provisions of this section. The state treasurer shall deposit all moneys in the fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided by law relative to state deposits. Interest accrued by the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium. The fund shall be used solely for the purposes of this section and for no other purpose.

**260.900. DEFINITIONS.**—As used in sections 260.900 to 260.960, unless the context clearly indicates otherwise, the following terms mean:

- (1) "Abandoned dry-cleaning facility", any real property premises or individual leasehold space in which a dry-cleaning facility formerly operated;
- (2) "Active dry-cleaning facility", any real property premises or individual leasehold space in which a dry-cleaning facility currently operates;
- (3) "Chlorinated dry-cleaning solvent", any dry-cleaning solvent which contains a compound which has a molecular structure containing the element chlorine;
- (4) "Commission", the hazardous waste management commission created in section 260.365;
- (5) "Corrective action", those activities described in subsection 1 of section 260.925;
- (6) "Corrective action plan", a plan approved by the director to perform corrective action at a dry-cleaning facility;
- (7) "Department", the Missouri department of natural resources;
- (8) "Director", the director of the Missouri department of natural resources;
- (9) "Dry-cleaning facility", a commercial establishment that operates, or has operated in the past in whole or in part for the purpose of cleaning garments or other fabrics on site utilizing a process that involves any use of dry-cleaning solvents. Dry-cleaning facility includes all contiguous land, structures and other

appurtenances and improvements on the land used in connection with a dry-cleaning facility but does not include prisons, governmental entities, hotels, motels or industrial laundries. Dry-cleaning facility does include coin- operated dry-cleaning facilities;

(10) "Dry-cleaning solvent", any and all nonaqueous solvents used or to be used in the cleaning of garments and other fabrics at a dry-cleaning facility and includes but is not limited to perchloroethylene, also known as tetrachloroethylene, and petroleum-based solvents, and the products into which such solvents degrade;

(11) "Dry-cleaning unit", a machine or device which utilizes dry-cleaning solvents to clean garments and other fabrics and includes any associated piping and ancillary equipment and any containment system;

(12) "Environmental response surcharge", either the active dry-cleaning facility registration surcharge or the dry-cleaning solvent surcharge;

(13) "Fund", the dry-cleaning environmental response trust fund created in section 260.920;

(14) "Immediate response to a release", containment and control of a known release in excess of a reportable quantity and notification to the department of any known release in excess of a reportable quantity;

(15) "Operator", any person who is or has been responsible for the operation of dry-cleaning operations at a dry-cleaning facility;

(16) "Owner", any person who owns the real property where a dry-cleaning facility is or has operated;

(17) "Person", an individual, trust, firm, joint venture, consortium, joint-stock company, corporation, partnership, association or limited liability company. Person does not include any governmental organization;

(18) "Release", any spill, leak, emission, discharge, escape, leak or disposal of dry-cleaning solvent from a dry- cleaning facility into the soils or waters of the state;

(19) "Reportable quantity", a known release of a dry- cleaning solvent deemed reportable by applicable federal or state law or regulation.

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**260.905. HAZARDOUS WASTE MANAGEMENT COMMISSION TO PROMULGATE RULES FOR DRY-CLEANING FACILITY ENVIRONMENTAL REMEDIATION. — 1.** The commission shall promulgate and adopt such initial rules and regulations, effective no later than July 1, 2002, as shall be necessary to carry out the purposes and provisions of sections 260.900 to 260.960. Prior to the promulgation of such rules, the commission shall meet with representatives of the dry cleaning industry and other interested parties. The commission, thereafter, shall promulgate and adopt additional rules and regulations or change existing rules and regulations when necessary to carry out the purposes and provisions of sections 260.900 to 260.960.

**2.** Any rule or regulation adopted pursuant to sections 260.900 to 260.960 shall be reasonably necessary to protect human health, to preserve, protect and maintain the water and other natural resources of this state and to provide for prompt corrective action of releases from dry-cleaning facilities. Consistent with these purposes, the commission shall adopt rules and regulations, effective no later than July 1, 2002:

(1) Establishing requirements that owners who close dry-cleaning facilities remove dry-cleaning solvents and wastes from such facilities in order to prevent any future releases;

(2) Establishing criteria to prioritize the expenditure of funds from the dry-cleaning environmental response trust fund. The criteria shall include consideration of:

(a) The benefit to be derived from corrective action compared to the cost of conducting such corrective action;

(b) The degree to which human health and the environment are actually affected by exposure to contamination;

(c) The present and future use of an affected aquifer or surface water;

(d) The effect that interim or immediate remedial measures will have on future costs; and

(e) Such additional factors as the commission considers relevant;

(3) Establishing criteria under which a determination may be made by the department of the level at which corrective action shall be deemed completed. Criteria for determining completion of corrective action shall be based on the factors set forth in subdivision (2) of this subsection and:

(a) Individual site characteristics including natural remediation processes;

(b) Applicable state water quality standards;

(c) Whether deviation from state water quality standards or from established criteria is appropriate, based on the degree to which the desired remediation level is achievable and may be reasonably and cost effectively implemented, subject to the limitation that where a state water quality standard is applicable, a deviation may not result in the application of standards more stringent than that standard; and

(d) Such additional factors as the commission considers relevant.

**260.910. VIOLATIONS OF DRY-CLEANING REMEDIATION LAWS — CIVIL DAMAGES. — 1. No person shall:**

(1) Operate an active dry-cleaning facility in violation of sections 260.900 to 260.960, rules and regulations adopted pursuant to sections 260.900 to 260.960 or orders of the director pursuant to sections 260.900 to 260.960, or operate an active dry cleaning facility in violation of any other applicable federal or state environmental statutes, rules or regulations;

(2) Prevent or hinder a properly identified officer or employee of the department or other authorized agent of the director from entering, inspecting, sampling or responding to a release at reasonable times and with reasonable advance notice to the operator as authorized by sections 260.900 to 260.960;

(3) Knowingly make any false material statement or representation in any record, report or other document filed, maintained or used for the purpose of compliance with sections 260.900 to 260.960;

(4) Knowingly destroy, alter or conceal any record required to be maintained by sections 260.900 to 260.960 or rules and regulations adopted pursuant to sections 260.900 to 260.960;

(5) Willfully allow a release in excess of a reportable quantity or knowingly fail to make an immediate response to a release in accordance with sections 260.900 to 260.960 and rules and regulations pursuant to sections 260.900 to 260.960.

2. The director may bring a civil damages action against any person who violates any provisions of subsection 1 of this section. Such civil damages may be assessed in an amount not to exceed five hundred dollars for each violation and are in addition to any other penalty assessed by law.

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**3. In assessing any civil damages pursuant to this section, a court of competent jurisdiction shall consider, when applicable, the following factors:**

- (1) The extent to which the violation presents a hazard to human health;**
- (2) The extent to which the violation has or may have an adverse effect on the environment;**
- (3) The amount of the reasonable costs incurred by the state in detection and investigation of the violation; and**
- (4) The economic savings realized by the person in not complying with the provision for which a violation is charged.**

**260.915. REGISTRATION OF DRY-CLEANING FACILITIES WITH DEPARTMENT.**— Each operator of an active dry-cleaning facility shall register with the department on a form provided by the department according to procedures established by the department by rule.

**260.920. DRY-CLEANING ENVIRONMENTAL RESPONSE TRUST FUND CREATED — PURPOSE — NOT TO BE CONSIDERED TOTAL STATE REVENUE.**— **1.** There is hereby created within the state treasury a fund to be known as the "Dry-cleaning Environmental Response Trust Fund". All moneys received from the environmental response surcharges, fees, gifts, bequests, donations and moneys recovered by the state pursuant to sections 260.900 to 260.960, except for any moneys paid under an agreement with the director or as civil damages, or any other money so designated shall be deposited in the state treasury to the credit of the dry-cleaning environmental response trust fund, and shall be invested to generate income to the fund. Notwithstanding the provisions of section 33.080, RSMo, the unexpended balance in the dry-cleaning environmental response trust fund at the end of each fiscal year shall not be transferred to the general revenue fund.

**2.** Moneys in the fund may be expended for only the following purposes and for no other government purpose:

- (1) The direct costs of administration and enforcement of sections 260.900 to 260.960; and**
- (2) The costs of corrective action as provided in section 260.925.**
- 3. The state treasurer is authorized to deposit all of the moneys in the dry-cleaning environmental response trust fund in any of the**

qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided by law relative to state deposits. Interest received on such deposits shall be credited to the dry-cleaning environmental response trust fund.

4. Any funds received pursuant to sections 260.900 to 260.960 and deposited in the dry-cleaning environmental response trust fund shall not be considered a part of "total state revenue" as provided in sections 17 and 18 of article X of the Missouri Constitution.

**260.925. EXPENDITURES FROM FUND, HOW USED — FUND NOT TO BE USED, WHEN — LIABILITY DETERMINATIONS — ENTRY ONTO PREMISES WHERE CORRECTIVE ACTION REQUIRED — FUND PAYMENT LIMIT — OWNER LIABILITY WHEN FUND PAYMENT OBTAINED. — 1.** On and after July 1, 2002, moneys in the fund shall be utilized to address contamination resulting from releases of dry-cleaning solvents as provided in sections 260.900 to 260.960. Whenever a release poses a threat to human health or the environment, the department, consistent with rules and regulations adopted by the commission pursuant to subdivisions (2) and (3) of subsection 2 of section 260.905, shall expend moneys available in the fund to provide for:

(1) Investigation and assessment of a release from a dry-cleaning facility, including costs of investigations and assessments of contamination which may have moved off the dry-cleaning facility;

(2) Necessary or appropriate emergency action, including but not limited to treatment, restoration or replacement of drinking water supplies, to assure that the human health or safety is not threatened by a release or potential release;

(3) Remediation of releases from dry-cleaning facilities, including contamination which may have moved off of the dry-cleaning facility, which remediation shall consist of the preparation of a corrective action plan and the cleanup of affected soil, groundwater and surface waters, using an alternative that is cost effective, technologically feasible and reliable, provides adequate protection of human health and environment and to the extent practical minimizes environmental damage;

(4) Operation and maintenance of corrective action;

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(5) Monitoring of releases from dry-cleaning facilities including contamination which may have moved off of the dry- cleaning facility;

(6) Payment of reasonable costs incurred by the director in providing field and laboratory services;

(7) Reasonable costs of restoring property as nearly as practicable to the condition that existed prior to activities associated with the investigation of a release or cleanup or remediation activities;

(8) Removal and proper disposal of wastes generated by a release of a dry-cleaning solvent; and

(9) Payment of costs of corrective action conducted by the department or by entities other than the department but approved by the department, whether or not such corrective action is set out in a corrective action plan; except that, there shall be no reimbursement for corrective action costs incurred before the effective date of sections 260.900 to 260.960.

2. Nothing in subsection 1 of this section shall be construed to authorize the department to obligate moneys in the fund for payment of costs that are not integral to corrective action for a release of dry-cleaning solvents from a dry- cleaning facility. Moneys from the fund shall not be used:

(1) For corrective action at sites that are contaminated by solvents normally used in dry-cleaning operations where the contamination did not result from the operation of a dry- cleaning facility;

(2) For corrective action at sites, other than dry- cleaning facilities, that are contaminated by dry-cleaning solvents which were released while being transported to or from a dry-cleaning facility;

(3) To pay any fine or penalty brought against a dry- cleaning facility operator under state or federal law;

(4) To pay any costs related to corrective action at a dry-cleaning facility that has been included by the United States Environmental Protection Agency on the national priorities list;

(5) For corrective action at sites with active dry cleaning facilities where the owner or operator is not in compliance with sections 260.900 to 260.960, rules and regulations adopted pursuant to sections 260.900 to 260.960, orders of the director pursuant to sections 260.900 to 260.960, or any other applicable federal or state environmental statutes, rules or regulations; or

**(6) For corrective action at sites with abandoned dry cleaning facilities that have been taken out of operation prior to July 1, 2004, and not documented by or reported to the department by July 1, 2004. Any person reporting such a site to the department shall include any available evidence that the site once contained a dry cleaning facility.**

**3. Nothing in sections 260.900 to 260.960 shall be construed to restrict the department from temporarily postponing completion of corrective action for which moneys from the fund are being expended whenever such postponement is deemed necessary in order to protect public health and the environment.**

**4. At any multisource site, the department shall utilize the moneys in the fund to pay for the proportionate share of the liability for corrective action costs which is attributable to a release from one or more dry-cleaning facilities and for that proportionate share of the liability only.**

**5. At any multisource site, the director is authorized to make a determination of the relative liability of the fund for costs of corrective action, expressed as a percentage of the total cost of corrective action at a site, whether known or unknown. The director shall issue an order establishing such percentage of liability. Such order shall be binding and shall control the obligation of the fund until or unless amended by the director. In the event of an appeal from such order, such percentage of liability shall be controlling for costs incurred during the pendency of the appeal.**

**6. Any authorized officer, employee or agent of the department, or any person under order or contract with the department, may enter onto any property or premises, at reasonable times and with reasonable advance notice to the operator, to take corrective action where the director determines that such action is necessary to protect the public health or environment. If consent is not granted by the operator regarding any request made by any officer, employee or agent of the department, or any person under order or contract with the department, under the provisions of this section, the director may issue an order directing compliance with the request. The order may be issued after such notice and opportunity for consultation as is reasonably appropriate under the circumstances.**

**7. Notwithstanding any other provision of sections 260.900 to 260.960, in the discretion of the director, an operator may be**

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responsible for up to one hundred percent of the costs of corrective action attributable to such operator if the director finds, after notice and an opportunity for a hearing in accordance with chapter 536, RSMo, that:

(1) Requiring the operator to bear such responsibility will not prejudice another owner, operator or person who is eligible, pursuant to the provisions of sections 260.900 to 260.960, to have corrective action costs paid by the fund; and

(2) The operator:

(a) Caused a release in excess of a reportable quantity by willful or wanton actions and such release was caused by operating practices in violation of existing laws and regulations at the time of the release; or

(b) Is in arrears for moneys owed pursuant to sections 260.900 to 260.960, after notice and an opportunity to correct the arrearage; or

(c) Materially obstructs the efforts of the department to carry out its obligations pursuant to sections 260.900 to 260.960; except that, the exercise of legal rights shall not constitute a substantial obstruction; or

(d) Caused or allowed a release in excess of a reportable quantity because of a willful material violation of sections 260.900 to 260.960 or the rules and regulations adopted by the commission pursuant to sections 260.900 to 260.960.

8. For purposes of subsection 7 of this section, unless a transfer is made to take advantage of the provisions of subsection 7 of this section, purchasers of stock or other indicia of ownership and other successors in interest shall not be considered to be the same owner or operator as the seller or transferor of such stock or indicia of ownership even though there may be no change in the legal identity of the owner or operator. To the extent that an owner or operator is responsible for corrective action costs pursuant to subsection 7 of this section, such owner or operator shall not be entitled to the exemption provided in subsection 5 of section 260.930.

9. The fund shall not be liable for the payment of costs in excess of one million dollars at any one contaminated dry- cleaning site. Additionally, the fund shall not be liable for the payment of costs for any one site in excess of twenty-five percent of the total moneys in the fund during any fiscal year. For purposes of this subsection, "contaminated dry-cleaning site" means the areal extent of soil or ground water contamination with dry-cleaning solvents.

**10. The owner or operator of an active dry-cleaning facility shall be liable for the first twenty-five thousand dollars of corrective action costs incurred because of a release from an active dry-cleaning facility. The owner of an abandoned dry-cleaning facility shall be liable for the first twenty-five thousand dollars of corrective action costs incurred because of a release from an abandoned dry-cleaning facility. Nothing in this subsection shall be construed to prohibit the department from taking corrective action because the department cannot obtain the deductible.**

**260.930. STATE IMMUNITY FROM LIABILITY DUE TO CORRECTIVE ACTION — PRIVATE ACTION AGAINST DRY-CLEANING FACILITY NOT PROHIBITED — CORRECTIVE ACTION NOT TO BE COMPELLED AT ELIGIBLE DRY-CLEANING FACILITIES — DIRECTOR APPROVAL OF PLANS, WHEN. — 1. Neither the state of Missouri, the fund, the commission, the director nor the department or agent or employees thereof, shall be liable for loss of business, damages or taking of property associated with any corrective action taken pursuant to sections 260.900 to 260.960.**

**2. Nothing in sections 260.900 to 260.960 shall establish or create any liability or responsibility on the part of the commission, the director, the department or the state of Missouri, or agents or employees thereof, to pay any corrective action costs from any source other than the fund or to take corrective action if the moneys in the fund are insufficient to do so.**

**3. Nothing in sections 260.900 to 260.960 shall be construed to abrogate or limit any right, remedy, causes of action, or claim by any person sustaining personal injury or property damage as a result of any release from a dry-cleaning facility, nor shall anything in sections 260.900 to 260.960 be construed to abrogate or limit any liability of any person in any way responsible for any release from a dry-cleaning facility or any damages for personal injury or property damages caused by such a release.**

**4. Moneys in the fund shall not be used for compensating third parties for bodily injury or property damage caused by a release from a dry-cleaning facility, other than property damage included in the corrective action plan approved by the director.**

**5. To the extent that an operator, owner or other person is eligible pursuant to the provisions of sections 260.900 to 260.960, to have corrective action costs paid by the fund, no administrative or**

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judicial claim may be made under state law against any such operator, owner or other person by or on behalf of a state or local government or by any person to either compel corrective action at the dry cleaning facility site or seek recovery of the costs of corrective action at the dry cleaning facility which result from the release of dry cleaning solvents from that dry cleaning facility or to compel corrective action or seek recovery of the costs of corrective action which result from the release of dry cleaning solvents from a dry cleaning facility. The provisions of this subsection shall apply to any dry cleaning facility or dry cleaning facility site which has been included in a corrective action plan approved by the director. The director shall only approve a corrective action plan after making a determination that a sufficient balance in the fund exists to implement the plan. No administrative or judicial claim may be made unless the director has rejected the corrective action plan submitted pursuant to section 260.925.

**260.935. DRY-CLEANING FACILITY REGISTRATION SURCHARGE — DEPOSITED IN FUND — PENALTIES AND INTEREST FOR NONPAYMENT. —1.** Every active dry-cleaning facility shall pay, in addition to any other environmental response surcharges, an annual dry-cleaning facility registration surcharge as follows:

(1) Five hundred dollars for facilities which use no more than one hundred forty gallons of chlorinated solvents and no more than one thousand four hundred gallons of petroleum, nonchlorinated solvents per year;

(2) One thousand dollars for facilities which use more than one hundred forty gallons of chlorinated solvents or more than one thousand four hundred gallons of petroleum, nonchlorinated solvents per year and less than three hundred sixty gallons of chlorinated solvents and less than three thousand six hundred gallons of petroleum, non-chlorinated solvents per year; and

(3) Fifteen hundred dollars for facilities which use at least three hundred sixty gallons of chlorinated solvents or at least three thousand six hundred gallons of petroleum, nonchlorinated solvents per year.

2. The active dry-cleaning facility registration surcharge imposed by this section shall be reported and paid to the department on an annual basis. The commission shall prescribe by

administrative rule the procedure for the report and payment required by this section.

3. The department shall provide each person who pays a dry-cleaning facility registration surcharge pursuant to this section with a receipt. The receipt or the copy of the receipt shall be produced for inspection at the request of any authorized representative of the department.

4. All moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the dry-cleaning environmental response trust fund created in section 260.920. Following each annual reporting date, the state treasurer shall certify the amount deposited in the fund to the department.

5. If any person does not pay the active dry-cleaning facility registration surcharge or any portion of the active dry-cleaning facility registration surcharge imposed by this section by the date prescribed for such payment, the department shall impose and such person shall pay, in addition to the active dry-cleaning facility registration surcharge owed by such person, a penalty of fifteen percent of the active dry-cleaning facility registration surcharge. Such penalty shall be deposited in the dry-cleaning environmental response trust fund.

6. If any person does not pay the active dry-cleaning facility registration surcharge or any portion of the active dry-cleaning facility registration surcharge imposed by this section by the date prescribed for such payment, the department shall also impose interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for the payment of such surcharge and penalties until payment is actually made. Such interest shall be deposited in the dry-cleaning environmental response trust fund.

**260.940. DRY-CLEANING SOLVENT SURCHARGE, AMOUNT IMPOSED DUE TO SOLVENT FACTOR — DEPOSITED IN FUND — PENALTIES AND INTEREST FOR NONPAYMENT — OPERATORS NOT TO PURCHASE SOLVENT FROM PERSONS NOT PAYING SURCHARGE. — 1. Every seller or provider of dry-cleaning solvent for use in this state shall pay, in addition to any other environmental response surcharges, a dry-cleaning solvent surcharge on the sale or provision of dry-cleaning solvent.**

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2. The amount of the dry-cleaning solvent surcharge imposed by this section on each gallon of dry-cleaning solvent shall be an amount equal to the product of the solvent factor for the dry-cleaning solvent and the rate of eight dollars per gallon.

3. The solvent factor for each dry-cleaning solvent is as follows:

(1) For perchloroethylene, the solvent factor is 1.00;  
(2) For 1,1,1-trichloroethane, the solvent factor is 1.00;  
(3) For other chlorinated dry-cleaning solvents, the solvent factor is 1.00; and

(4) For any nonchlorinated dry-cleaning solvent, the solvent factor is 0.05.

4. In the case of a fraction of a gallon, the dry-cleaning solvent surcharge imposed by this section shall be the same fraction of the fee imposed on a whole gallon.

5. The dry-cleaning solvent surcharge required in this section shall be paid to the department by the seller or provider of the dry-cleaning solvent, regardless of the location of such seller or provider.

6. The dry-cleaning solvent surcharge required in this section shall be paid by the seller or provider on a quarterly basis and shall be paid to the department for the previous quarter. The commission shall prescribe by administrative rule the procedure for the payment required by this section.

7. The department shall provide each person who pays a dry-cleaning solvent surcharge pursuant to this section with a receipt. The receipt or the copy of the receipt shall be produced for inspection at the request of any authorized representative of the department.

8. All moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the dry-cleaning environmental response trust fund created in section 260.920. Following each annual or quarterly reporting date, the state treasurer shall certify the amount deposited to the department.

9. If any seller or provider of dry-cleaning solvent fails or refuses to pay the dry-cleaning solvent surcharge imposed by this section, the department shall impose and such seller or provider shall pay, in addition to the dry-cleaning solvent surcharge owed by the seller or provider, a penalty of fifteen percent of the dry-cleaning

solvent surcharge. Such penalty shall be deposited in the dry-cleaning environmental response trust fund.

10. If any person does not pay the dry-cleaning solvent surcharge or any portion of the dry-cleaning solvent surcharge imposed by this section by the date prescribed for such payment, the department shall impose and such person shall pay interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for the payment of such surcharge and penalties until payment is actually made. Such interest shall be deposited in the dry-cleaning environmental response trust fund.

11. An operator of a dry-cleaning facility shall not purchase or obtain solvent from a seller or provider who does not pay the dry-cleaning solvent charge, as provided in section 260.940. Any operator of a dry-cleaning facility who fails to obey the provisions of this section shall be required to pay the dry-cleaning solvent surcharge as provided in subsections 2, 3 and 4 of this section for any dry-cleaning solvent purchased or obtained from a seller or provider who fails to pay the proper dry-cleaning solvent surcharge as determined by the department. Any operator of a dry-cleaning facility who fails to follow the provisions of this subsection shall also be charged a penalty of fifteen percent of the dry-cleaning solvent surcharge owed. Any operator of a dry-cleaning facility who fails to obey the provisions of this subsection shall also be subject to the interest provisions of subsection 10 of this section. If a seller or provider of dry-cleaning solvent charges the operator of a dry-cleaning facility the dry-cleaning solvent surcharge provided for in this section when the solvent is purchased or obtained by the operator and the operator can prove that the operator made full payment of the surcharge to the seller or provider but the seller or provider fails to pay the surcharge to the department as required by this section, then the operator shall not be liable pursuant to this subsection for interest, penalties or the seller's or provider's unpaid surcharge. Such surcharges, penalties and interest shall be collected by the department, and all moneys collected pursuant to this subsection shall be deposited in the dry-cleaning environmental response trust fund.

**260.945. SURCHARGES NOT COLLECTED, WHEN. — 1.** If the unobligated principal of the fund equals or exceeds five million dollars on April first of any year, the active dry-cleaning facility

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registration surcharge imposed by section 260.935 and the dry-cleaning solvent surcharge imposed by section 260.940 shall not be collected on or after the next July first until such time as on April first of any year, thereafter, the unobligated principal balance of the fund equals two million dollars or less, then the active dry-cleaning facility registration surcharge imposed by section 260.935 and the dry-cleaning solvent surcharge imposed by section 260.940 shall again be collected on and after the next July first.

2. Not later than April fifth of each year, the state treasurer shall notify the department of the amount of the unobligated balance of the fund on April first of such year. Upon receipt of the notice, the department shall notify the public if the active dry-cleaning facility registration surcharge imposed by section 260.935 and the dry-cleaning solvent surcharge imposed by section 260.940 will terminate or be payable on the following July first.

3. Moneys in the fund shall not be expended pursuant to sections 260.900 to 260.960 prior to July 1, 2002.

**260.950. JUDICIAL REVIEW.—1.** All final orders and determinations of the commission or the department made pursuant to the provisions of sections 260.900 to 260.960 are subject to judicial review pursuant to the provisions of chapter 536, RSMo. All final orders and determinations shall be deemed administrative decisions as that term is defined in chapter 536, RSMo; provided that, no judicial review shall be available, unless all administrative remedies are exhausted.

2. In any suit filed pursuant to section 536.050, RSMo, concerning the validity of the commission's or department's standards, rules or regulations, the court shall review the record made before the commission or department to determine the validity and such reasonableness of such standards, rules or regulations and may hear such additional evidence as it deems necessary.

**260.955. DEPARTMENT TO REPORT ON FUND, CORRECTIVE ACTION FROM FUND.—**The department shall annually transmit a report to the general assembly and the governor regarding:

(1) Receipts of the fund during the preceding calendar year and the sources of the receipts;

(2) Disbursements from the fund during the preceding calendar year and the purposes of the disbursements;

(3) The extent of corrective action taken pursuant to sections 260.900 to 260.960 during the preceding calendar year; and

(4) The prioritization of sites for expenditures from the fund.

**260.960. RULEMAKING.**— Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

**SECTION B. EXPIRATION DATE.**— Sections 260.900, 260.905, 260.910, 260.915, 260.920, 260.925, 260.930, 260.935, 260.940, 260.945, 260.950, 260.955 and 260.960 of this act shall expire on August 28, 2007.

Approved June 27, 2000

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SB 719 [HCS SCS SB 719]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Relating to the Kansas and Missouri Metropolitan Culture District.**

AN ACT to repeal section 70.500, RSMo Supp. 1999, relating to the Kansas and Missouri Metropolitan Culture District, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

A. Enacting clause.

70.500. Compact between Kansas and Missouri — creation and powers of district — effective, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

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**SECTION A. ENACTING CLAUSE.**—Section 70.500, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 70.500, to read as follows:

**70.500. COMPACT BETWEEN KANSAS AND MISSOURI — CREATION AND POWERS OF DISTRICT — EFFECTIVE, WHEN.**—The Kansas and Missouri metropolitan culture district compact is hereby enacted into law and entered into by the state of Missouri with the state of Kansas legally joining therein, in the form substantially as follows:

**KANSAS AND MISSOURI  
METROPOLITAN  
CULTURE DISTRICT COMPACT  
ARTICLE I. AGREEMENT AND PLEDGE**

The states of Kansas and Missouri agree to and pledge, each to the other, faithful cooperation in the future planning and development of the metropolitan culture district, holding in high trust for the benefit of its people and of the nation, the special blessings and natural advantages thereof.

**ARTICLE II. POLICY AND PURPOSE**

The party states, desiring by common action to fully utilize and improve their cultural facilities, coordinate the services of their cultural organizations, enhance the cultural activities of their citizens, and achieve solid financial support for such cultural facilities, organizations and activities, declare that it is the policy of each state to realize such desires on a basis of cooperation with one another, thereby serving the best interests of their citizenry and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the creation of a metropolitan culture district as the means to implementation of the policy herein declared with the most beneficial and economical use of human and material resources.

**ARTICLE III. DEFINITIONS**

As used in this compact, unless the context clearly requires otherwise:

(a) "Metropolitan culture district" means a political subdivision of the states of Kansas and Missouri which is created under and pursuant to the provisions of this compact and which is composed of the counties in the states of Kansas and Missouri which act to create or to become a part of the district in accordance with the provisions of Article IV.

(b) "Commission" means the governing body of the metropolitan culture district.

(c) "Cultural activities" means **sports or** activities which contribute to or enhance the aesthetic, artistic, historical, intellectual or social development or appreciation of members of the general public.

(d) "Cultural organizations" means nonprofit and tax exempt social, civic or community organizations and associations which are dedicated to the development, provision, operation, supervision, promotion or support of cultural activities in which members of the general public may engage or participate.

(e) "Cultural facilities" means facilities operated or used for **sports or** participation or engagement in cultural activities by members of the general public.

#### ARTICLE IV. THE DISTRICT

(a) The counties in Kansas and Missouri eligible to create and initially compose the metropolitan culture district shall be those counties which meet one or more of the following criteria:

(1) The county has a population in excess of 300,000, and is adjacent to the state line;

(2) The county contains a part of a city with a population according to the most recent federal census of at least 400,000; or

(3) The county is contiguous to any county described in provision (1) or (2) of this subpart (a). The counties of Johnson in Kansas and Jackson in Missouri shall be sine qua non to the creation and initial composition of the district. Additional counties in Kansas and Missouri shall be eligible to become a part of the metropolitan culture district if such counties are contiguous to any one or more of the counties which compose the district and within 60 miles of the counties that are required by this article to establish the district;

(b) (1) Whenever the governing body of any county which is eligible to create or become a part of the metropolitan culture district shall determine that creation of or participation in the district is in the best interests of the citizens of the county and that the levy of a tax to provide on a cooperative basis with another county or other counties for financial support of the district would be economically practical and cost beneficial to the citizens of the county, the governing body may adopt by majority vote a resolution authorizing the same.

(2) Wherever a petition, signed by not less than the number of qualified electors of an eligible county equal to 5% of the number of ballots cast and counted at the last preceding gubernatorial election held in the county and requesting adoption of a resolution authorizing creation of or participation in the metropolitan culture district and the levy of a

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tax for the purpose of contributing to the financial support of the district, is filed with the governing body of the county, the governing body shall adopt such a resolution.

(3) Implementation of a resolution adopted under this subpart (b) shall be conditioned upon approval of the resolution by a majority of the qualified electors of the county voting at an election conducted for such purpose.

(c) (1) Upon adoption of a resolution pursuant to subpart (b)(1) or subpart (b)(2), the governing body of the county shall request, within 36 months after adoption of the resolution, the county election officer to submit to the qualified electors of the county the question of whether the governing body shall be authorized to implement the resolution. The resolution shall be printed on the ballot and in the notice of election. The question shall be submitted to the electors of the county at the primary or general election next following the date of the request filed with the county election officer. If a majority of the qualified electors are opposed to implementation of the resolution authorizing creation of, or participation in, the district and the levy of a tax for financial support thereof, the same shall not be implemented. The governing body of the county may renew procedures for authorization to create or become a part of the district and to levy a tax for financial support thereof at any time following rejection of the question.

(2) The ballot for the proposition in any county shall be in substantially the following form:

Shall a retail sales tax of . . . . . (insert amount, not to exceed 1/4 cent) be levied and collected in Kansas and Missouri metropolitan culture district consisting of the county(ies) of . . . . . (insert name of counties) for the support of cultural facilities and organizations within the district?

☐ YES

☐ NO

The governing body of the county may place additional language on the ballot to describe the use or allocation of the funds.

(d) (1) The metropolitan culture district shall be created when implementation of a resolution authorizing the creation of the district and the levy of a tax for contribution to the financial support thereof is approved by respective majorities of the qualified electors of at least Johnson County, Kansas, and Jackson County, Missouri.

(2) When implementation of a resolution authorizing participation in the metropolitan culture district and the levy of a tax for contribution to the financial support thereof is approved by a majority of the qualified

electors of any county eligible to become a part of the district, the governing body of the county shall proceed with the performance of all things necessary and incidental to participation in the district.

**(3) Any question for the levy of a tax submitted after July 1, 2000, may be submitted to the electors of the county at the primary or general election next following the date of the request filed with the county election officer; at a special election called and held as otherwise provided by law; at an election called and held on the first Tuesday after the first Monday in February, except in presidential election years; at an election called and held on the first Tuesday after the first Monday in March, June, August or November; or at an election called and held on the first Tuesday in April, except that no question for a tax levy may be submitted to the electors prior to January 1, 2002.**

**(4) No question shall be submitted to the electors authorizing the levy of a tax the proceeds of which will be exclusively dedicated to sports or sports facilities.**

(e) Any of the counties composing the metropolitan culture district may withdraw from the district by adoption of a resolution and approval of the resolution by a majority of the qualified electors of the county, all in the same manner provided in this Article IV for creating or becoming a part of the metropolitan culture district. The governing body of a withdrawing county shall provide for the sending of formal written notice of withdrawal from the district to the governing body of the other county or each of the other counties comprising the district. Actual withdrawal shall not take effect until 90 days after notice has been sent. A withdrawing county shall not be relieved from any obligation which such county may have assumed or incurred by reason of being a part of the district, including, but not limited to, the retirement of any outstanding bonded indebtedness of the district.

#### ARTICLE V. THE COMMISSION

(a) The metropolitan culture district shall be governed by the metropolitan culture commission which shall be a body corporate and politic and which shall be composed of resident electors of the states of Kansas and Missouri, respectively, as follows:

(1) A member of the governing body of each county which is a part of the district, who shall be appointed by majority vote of such governing body;

(2) A member of the governing body of each city, with a population according to the most recent federal census of at least 50,000, located in

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whole or in part within each county which is a part of the district, who shall be appointed by majority vote of such governing body;

**(3) Two members of the governing body of a county with a consolidated or unified county government and city of the first class which is a part of the district, who shall be appointed by majority vote of such governing body;**

**(4)** A member of the arts commission of Kansas or the Kansas commission for the humanities, who shall be appointed by the governor of Kansas; and

~~[(4)]~~ **(5)** A member of the arts commission of Missouri or the Missouri humanities council, who shall be appointed by the governor of Missouri. To the extent possible, the gubernatorial appointees to the commission shall be residents of the district. The term of each commissioner initially appointed by a county governing body shall expire concurrently with such commissioner's tenure as a county officer or three years after the date of appointment as a commissioner, whichever occurs sooner. The term of each commissioner succeeding a commissioner initially appointed by a county governing body shall expire concurrently with such successor commissioner's tenure as a county officer or four years after the date of appointment as a commissioner, whichever occurs sooner. The term of each commissioner initially appointed by a city governing body shall expire concurrently with such commissioner's tenure as a city officer or two years after the date of appointment as a commissioner, whichever occurs sooner. The term of each commissioner succeeding a commissioner initially appointed by a city governing body shall expire concurrently with such successor commissioner's tenure as a city officer or four years after the date of appointment as a commissioner, whichever occurs sooner. The term of each commissioner appointed by the governor of Kansas or the governor of Missouri shall expire concurrently with the term of the appointing governor, the commissioner's tenure as a state officer, or four years after the date of appointment as a commissioner of the district, whichever occurs sooner. Any vacancy occurring in a commissioner position for reasons other than expiration of terms of office shall be filled for the unexpired term by appointment in the same manner that the original appointment was made. Any commissioner may be removed for cause by the appointing authority of the commissioner.

**(b)** The commission shall select annually, from its membership, a chairperson, a vice chairperson, and a treasurer. The treasurer shall be bonded in such amounts as the commission may require.

(c) The commission may appoint such officers, agents and employees as it may require for the performance of its duties, and shall determine the qualifications and duties and fix the compensation of such officers, agents and employees.

(d) The commission shall fix the time and place at which its meetings shall be held. Meetings shall be held within the district and shall be open to the public. Public notice shall be given of all meetings.

(e) A majority of the commissioners from each state shall constitute, in the aggregate, a quorum for the transaction of business. No action of the commission shall be binding unless taken at a meeting at which at least a quorum is present, and unless a majority of the commissioners from each state, present at such meeting, shall vote in favor thereof. No action of the commission taken at a meeting thereof shall be binding unless the subject of such action is included in a written agenda for such meeting, the agenda and notice of meeting having been mailed to each commissioner by postage-paid first class mail at least 14 calendar days prior to the meeting.

(f) The commissioners from each state shall be subject to the provisions of the laws of the states of Kansas and Missouri, respectively, which relate to conflicts of interest of public officers and employees. If any commissioner has a direct or indirect financial interest in any cultural facility, organization or activity supported by the district or commission or in any other business transaction of the district or commission, the commissioner shall disclose such interest in writing to the other commissioners and shall abstain from voting on any matter relating to such facility, organization or activity or to such business transaction.

(g) If any action at law or equity, or other legal proceeding, shall be brought against any commissioner for any act or omission arising out of the performance of duties as a commissioner, the commissioner shall be indemnified in whole and held harmless by the commission for any judgment or decree entered against the commissioner and, further, shall be defended at the cost and expense of the commission in any such proceeding.

#### ARTICLE VI. POWERS AND DUTIES OF THE COMMISSION

(a) The commission shall adopt a seal and suitable bylaws governing its management and procedure.

(b) The commission has the power to contract and to be contracted with, and to sue and to be sued.

(c) The commission may receive for any of its purposes and functions any contributions or moneys appropriated by counties or cities

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and may solicit and receive any and all donations, and grants of money, equipment, supplies, materials and services from any state or the United States or any agency thereof, or from any institution, foundation, organization, person, firm or corporation, and may utilize and dispose of the same.

(d) Upon receipt of recommendations from the advisory committee provided in subsection (g), the commission may provide donations, contributions and grants or other support, financial or otherwise, for or in aid of cultural organizations, facilities or activities in counties which are part of the district. In determining whether to provide any such support the commission shall consider the following factors:

- (1) economic impact upon the district;
- (2) cultural benefit to citizens of the district and to the general public;
- (3) contribution to the quality of life and popular image of the district;
- (4) contribution to the geographical balance of cultural facilities and activities within and outside the district;
- (5) the breadth of popular appeal within and outside the district;
- (6) the needs of the community as identified in an objective cultural needs assessment study of the metropolitan area; and
- (7) any other factor deemed appropriate by the commission.

(e) The commission may own and acquire by gift, purchase, lease or devise cultural facilities within the territory of the district. The commission may plan, construct, operate and maintain and contract for the operation and maintenance of cultural facilities within the territory of the district. The commission may sell, lease, or otherwise dispose of cultural facilities within the territory of the district.

(f) At any time following five years from and after the creation of the metropolitan cultural district as provided in paragraph (1) of subsection (d) of article IV, the commission may borrow moneys for the planning, construction, equipping, operation, maintenance, repair, extension, expansion, or improvement of any cultural facility and, in that regard, the commission at such time may:

- (1) issue notes, bonds or other instruments in writing of the commission in evidence of the sum or sums to be borrowed. No notes, bonds or other instruments in writing shall be issued pursuant to this subsection until the issuance of such notes, bonds or instruments has been submitted to and approved by a majority of the qualified electors of the district voting at an election called and held thereon. Such election shall be called and held in the manner provided by law;

(2) issue refunding notes, bonds or other instruments in writing for the purpose of refunding, extending or unifying the whole or any part of its outstanding indebtedness from time to time, whether evidenced by notes, bonds or other instruments in writing. Such refunding notes, bonds or other instruments in writing shall not exceed in amount the principal of the outstanding indebtedness to be refunded and the accrued interest thereon to the date of such refunding;

(3) provide that all notes, bonds and other instruments in writing issued hereunder shall or may be payable, both as to principal and interest, from sales tax revenues authorized under this compact and disbursed to the district by counties comprising the district, admissions and other revenues collected from the use of any cultural facility or facilities constructed hereunder, or from any other resources of the commission, and further may be secured by a mortgage or deed of trust upon any property interest of the commission; and

(4) prescribe the details of all notes, bonds or other instruments in writing, and of the issuance and sale thereof. The commission shall have the power to enter into covenants with the holders of such notes, bonds or other instruments in writing, not inconsistent with the powers granted herein, without further legislative authority.

(g) The commission shall appoint an advisory committee composed of members of the general public consisting of an equal number of persons from both the states of Kansas and Missouri who have demonstrated interest, expertise, knowledge or experience in cultural organizations or activities. The advisory committee shall make recommendations annually to the commission regarding donations, contributions and grants or other support, financial or otherwise, for or in aid of cultural organizations, facilities and activities in counties which are part of the district.

(h) The commission may provide for actual and necessary expenses of commissioners and advisory committee members incurred in the performance of their official duties.

(i) The commission shall cause to be prepared annually a report on the operations and transactions conducted by the commission during the preceding year. The report shall be submitted to the legislatures and governors of the compacting states, to the governing bodies of the counties comprising the district, and to the governing body of each city that appoints a commissioner. The commission shall publish the annual report in the official county newspaper of each of the counties comprising the district.

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(j) The commission has the power to apply to the Congress of the United States for its consent and approval of the compact. In the absence of the consent of Congress and until consent is secured, the compact is binding upon the states of Kansas and Missouri in all respects permitted by law for the two states, without the consent of Congress, for the purposes enumerated and in the manner provided in the compact.

(k) The commission has the power to perform all other necessary and incidental functions and duties and to exercise all other necessary and appropriate powers not inconsistent with the constitution or laws of the United States or of either of the states of Kansas or Missouri to effectuate the same.

#### ARTICLE VII. FINANCE

(a) The moneys necessary to finance the operation of the metropolitan culture district and the execution of the powers, duties and responsibilities of the commission shall be appropriated to the commission by the counties comprising the district. The moneys to be appropriated to the commission shall be raised by the governing bodies of the respective counties by the levy of taxes as authorized by the legislatures of the respective party states.

(b) The commission shall not incur any indebtedness or obligation of any kind; nor shall the commission pledge the credit of either or any of the counties comprising the district or either of the states party to this compact, except as authorized in article VI. The budget of the district shall be prepared, adopted and published as provided by law for other political subdivisions of the party states. No budget shall be adopted by the commission until it has been submitted to and reviewed by the governing bodies of the counties comprising the district and the governing body of each city represented on the commission.

(c) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the commission.

(d) The accounts of the commission shall be open at any reasonable time for inspection by duly authorized representatives of the compacting states, the counties comprising the district, the cities that appoint a commissioner, and other persons authorized by the commission.

#### ARTICLE VIII. ENTRY INTO FORCE

(a) This compact shall enter into force and become effective and binding upon the states of Kansas and Missouri when it has been entered into law by the legislatures of the respective states.

(b) Amendments to the compact shall become effective upon enactment by the legislatures of the respective states.

#### ARTICLE IX. TERMINATION

This compact shall continue in force and remain binding upon a party state until its legislature shall have enacted a statute repealing the same and providing for the sending of formal written notice of enactment of such statute to the legislature of the other party state. Upon enactment of such a statute by the legislature of either party state, the sending of notice thereof to the other party state, and payment of any obligations which the metropolitan culture district commission may have incurred prior to the effective date of such statute, including, but not limited to, the retirement of any outstanding bonded indebtedness of the district, the agreement of the party states embodied in the compact shall be deemed fully executed, the compact shall be null and void and of no further force or effect, the metropolitan culture district shall be dissolved, and the metropolitan culture district commission shall be abolished.

#### ARTICLE X. CONSTRUCTION AND SEVERABILITY

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of either of the party states or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of either of the states party thereto, the compact shall thereby be nullified and voided and of no further force or effect.

(a) The board of county commissioners of any county which has been authorized by a majority of the electors of the county to create or to become a part of the metropolitan culture district and to levy and collect a tax for the purpose of contributing to the financial support of the district shall adopt a resolution imposing a countywide retailers' sales tax and pledging the revenues received therefrom for such purpose. The rate of such tax shall be fixed in an amount of not more than .25%. Any county levying a retailers' sales tax under authority of this section is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer,

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enforce and collect such tax. The sales tax shall be administered, enforced and collected in the same manner and by the same procedure as other countywide retailers' sales taxes are levied and collected and shall be in addition to any other sales tax authorized by law. Upon receipt of a certified copy of a resolution authorizing the levy of a countywide retailers' sales tax pursuant to this section, the state director of taxation shall cause such tax to be collected within and outside the boundaries of such county at the same time and in the same manner provided for the collection of the state retailers' sales tax. All moneys collected by the director of taxation under the provisions of this section shall be credited to the metropolitan culture district retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any countywide retailers' sales tax collected pursuant to this section shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from retailers' sales tax revenue collected pursuant to this section. All countywide retailers' sales tax revenue collected within any county pursuant to this section shall be remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county.

(b) All revenue received by any county treasurer from a countywide retailers' sales tax imposed pursuant to this section shall be appropriated by the county to the metropolitan culture district commission within 60 days of receipt of the funds by the county for expenditure by the commission pursuant to and in accordance with the provisions of the Kansas and Missouri metropolitan culture district compact. If any such revenue remains upon nullification and voidance of the Kansas and Missouri metropolitan culture district compact, the county treasurer shall deposit such revenue to the credit of the general fund of the county.

(c) Any countywide retailers' sales tax imposed pursuant to this section shall expire upon the date of actual withdrawal of the county from the metropolitan culture district or at any time the Kansas and Missouri metropolitan culture district compact becomes null and void and of no further force or effect. If any moneys remain in the metropolitan culture district retailers' sales tax fund upon nullification and voidance of the Kansas and Missouri metropolitan culture district compact, the state treasurer shall transfer such moneys to the county and city retailers' sales tax fund to be apportioned and remitted at the same

time and in the same manner as other countywide retailers' sales tax revenues are apportioned and remitted.

Approved June 15, 2000

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SB 721 [HCS SCS SB 721]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Relating to telecommunications for persons with disabilities.**

AN ACT to repeal sections 209.251, 209.253, 209.255, 209.258, 209.259 and 301.020, RSMo Supp. 1999 and section 302.171 as enacted by house bill no. 783, first regular session, 89th General Assembly and section 302.171 as enacted by senate bill no. 19, first regular session, 90th General Assembly, relating to telecommunications for persons with disabilities, and to enact in lieu thereof ten new sections relating to the same subject, with an effective date for certain sections.

SECTION

A. Enacting clause.

- 191.862. Assistive technology loan program created — council to promulgate rules to enforce.
- 191.865. Assistive technology loan revolving fund established.
- 209.251. Definitions.
- 209.253. Statewide dual-party relay system, establishment by PSC — advisory assistive technology council to administer — rulemaking authority.
- 209.255. Rate established to recover costs of programs — surcharge, limitations, collection — exemption from taxes.
- 209.258. Deaf relay service fund established, purpose — deposit — unexpended balance not to be transferred to general revenue — commission and advisory assistive technology council to request appropriations from fund for service delivery.
- 209.259. Review of surcharge and deduction percentage — recommendation procedures — surcharge adjusted when — excess funds, effective.

B. Enacting clause.

- 192.936. Blindness education, screening and treatment program fund — uses of fund — rulemaking.
- 301.020. Application for registration of motor vehicles, contents — certain vehicles, special provisions — penalty for failure to comply — optional blindness assistance donation.
- 302.171. Application for license — form — content — educational materials to be provided to applicants under twenty-one — voluntary contribution to organ donation program — information to be included in registry — voluntary contribution to blindness assistance.
- 302.171. Application for license — form — content — educational materials to be provided to applicants under twenty-one — voluntary contribution to organ donation program — information to be included in registry.

C. Effective date.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Sections 209.251, 209.253, 209.255, 209.258 and 209.259, RSMo Supp. 1999, are repealed and seven new sections enacted in lieu thereof, to be known as sections 191.862, 191.865, 209.251, 209.253, 209.255, 209.258 and 209.259, to read as follows:

**191.862. ASSISTIVE TECHNOLOGY LOAN PROGRAM CREATED — COUNCIL TO PROMULGATE RULES TO ENFORCE. — 1. The Missouri assistive technology advisory council, established in section 191.853, shall establish an assistive technology loan program. The loan program shall be funded from the assistive technology loan revolving fund established pursuant to section 191.865. The fund shall receive any appropriation and grant moneys received pursuant to subsection 2 of this section to provide loans for the purchase of assistive technology devices and services, as defined in section 191.850.**

**2. The loan program shall provide loans for the first fiscal year following appropriation. Any matching grant moneys received by the state pursuant to the Title III of the federal Assistive Technology Act of 1998 or through any other applicable sources shall be used to fund the loan program. The state treasurer shall provide the assistive technology advisory council with information on the amount of moneys in the assistive technology loan revolving fund at the beginning of each fiscal year. The council shall quarterly expend such moneys in four equal shares to ensure that the loan program will provide loans throughout the entire fiscal year. Any repayments or interest earned during a fiscal year shall not be used for loans in the current fiscal year, but shall be carried over for use in the next fiscal year.**

**3. The interest rates for loans shall be lower than comparable commercial lending rates and shall be established by the council based on the borrower's ability to pay. Loans may be made with no interest. Loan repayment periods shall not exceed ten years.**

**4. The council shall:**

**(1) Promulgate rules relating to borrower eligibility, interest rates, repayment terms and other matters necessary to implement the purpose of this section, including limits on the number and amounts of loans to assure the continued solvency of the fund; and**

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(2) File annual reports with the governor and general assembly which shall include an accounting of the loans and repayments to the fund during the preceding fiscal year.

5. The council may enter into contracts as necessary to carry out the purposes of this section, including but not limited to contracts with disability organizations and lending institutions.

6. By no later than January 1, 2001, the council shall submit a report to the general assembly regarding any rules proposed or promulgated for the implementation of this program.

7. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

**191.865. ASSISTIVE TECHNOLOGY LOAN REVOLVING FUND ESTABLISHED.**— 1. In order to allow Missourians with disabilities to take advantage of Title III of the federal Assistive Technology Act of 1998, there is hereby created in the state treasury the "Assistive Technology Loan Revolving Fund" which shall be administered by the Missouri assistive technology advisory council and the state treasurer.

2. Moneys in the fund shall, upon appropriation, be used to establish and maintain the assistive technology loan program established in section 191.862.

3. The fund shall consist of any moneys appropriated to the fund, repayments of principal and interest by qualified borrowers, and interest earned on the moneys in the fund.

4. The fund may accept federal, state and other public funds, public or private grants, contributions and loans to the fund with the approval of the Missouri assistive technology advisory council.

5. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the general revenue fund at the end of the biennium.

**209.251. DEFINITIONS.**— As used in sections 209.251 to 209.259, the following terms mean:

(1) "Adaptive telecommunications equipment", equipment that translates, enhances or otherwise transforms the receiving or sending of telecommunications into a form accessible to individuals with disabilities. The term adaptive telecommunications equipment includes adaptive telephone equipment and other types of adaptive

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**devices such as computer input and output adaptions necessary for telecommunications access;**

(2) "Basic [telephone] **telecommunications** access line", a [telephone] **telecommunications** line which provides service from the telephone company central office to the customer's premises which enables the customer to originate and terminate long distance and local [calling] **telecommunications**;

[(2)] (3) "Commission", the public service commission;

(4) "**Consumer support and outreach**", **services that include, but are not limited to, assisting individuals with disabilities or their families or caregivers in the selection of the most appropriate adaptive telecommunications equipment to meet their needs, providing basic training and technical assistance in the installation and use of adaptive telecommunications equipment, and development and dissemination of information to increase awareness and use of adaptive telecommunications equipment;**

(5) "**Department**", the department of labor and industrial relations;

(6) "Eligible subscriber", any individual who has been certified as deaf, hearing-impaired, speech-impaired or as having another disability that causes the inability to use [traditional telephone] **telecommunications** equipment and services by a licensed physician, audiologist, speech pathologist or a qualified [state] agency;

(7) "**Missouri assistive technology advisory council**" or "**council**", the body which directs the Missouri assistive technology program pursuant to sections 191.850 to 191.863, RSMo;

(8) "**Program administrator**", the entity or entities designated to design the statewide telecommunications equipment distribution program, develop and implement the program policies and procedures, assure delivery of consumer support and outreach and account for and pay all program expenses;

[(4)] (9) "Surcharge", an additional charge which is to be paid by local exchange telephone company subscribers pursuant to the rate recovery mechanism established pursuant to sections 209.255, 209.257 and 209.259 in order to implement the [program] **programs** described in sections 209.251 to 209.259;

(10) "**Telecommunications**", the transmission of any form of information including, but not limited to, voice, graphics, text, dynamic content, and data structures of all types whether they are in electronic, visual, auditory, optical or any other form;

[(5)] (11) "Telecommunications device for the deaf" or "TDD", a telecommunications device capable of allowing deaf, hearing-impaired or speech-impaired individuals to transmit messages over basic telephone access lines by sending and receiving typed messages.

**209.253. STATEWIDE DUAL-PARTY RELAY SYSTEM, ESTABLISHMENT BY PSC — ADVISORY ASSISTIVE TECHNOLOGY COUNCIL TO ADMINISTER — RULEMAKING AUTHORITY.**— 1. The commission shall [initiate an investigation to determine the most beneficial and cost-effective method to implement the provision of] **provide** a statewide dual-party system, using third-party intervention to connect deaf, hearing-impaired and speech-impaired persons and offices of organizations representing the deaf, hearing-impaired and speech-impaired with telecommunication devices for the deaf (TDDs) and the telephone system, making available reasonable access to telephone service to eligible subscribers. [In conducting this investigation the commission shall solicit the advice, counsel, and assistance of statewide nonprofit organizations of the deaf, the office of the public counsel and representatives of telecommunications companies. The commission shall complete this investigation within six months of July 10, 1990.]

2. The [commission] **Missouri assistive technology advisory council** shall [initiate an investigation to determine the most beneficial and cost-effective method to implement the provision of] **provide** a statewide telecommunications equipment distribution program making available reasonable access to [telephone] **basic telecommunications** service for eligible subscribers who are unable to use traditional [telephone] **telecommunications** equipment due to disability. [In conducting this investigation the commission shall solicit the advice, counsel and assistance of statewide nonprofit organizations for individuals with disabilities, the office of the public counsel and representatives of telecommunications companies. The commission shall complete such investigation within six months of August 28, 1996.

3. Within sixty days of the completion of the investigations provided in subsections 1 and 2 of this section, the division of purchasing, on behalf of the commission, shall issue a request for competitive bids to provide a statewide dual-party relay service and equipment distribution program which meets the specifications and criteria determined by such investigations. The request for competitive bids shall contain the date, as determined by the division of purchasing,

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by which all bids shall be submitted and the division of purchasing shall not accept or consider any bids received after that date.

4. Within sixty days of the date provided in subsection 3 of this section requiring bids to be submitted, the division of purchasing shall open all bids and shall thereafter award a contract to the best bidder and shall in all instances reserve the right to reject any and all bids. A bond satisfactory to the division shall be given by the party to whom the contract is awarded, to secure the faithful performance of such contract.]

**3. The program administrator of the statewide telecommunications equipment distribution program shall:**

- (1) Provide consumer support and outreach;**
- (2) Develop administrative procedures to assure an appropriate match between an individual with a disability and adaptive telecommunications equipment;**
- (3) Provide a full range of adaptive telecommunications equipment to meet the needs of individuals with all types of disabilities;**
- (4) Procure and distribute adaptive telecommunications equipment in the most cost-effective manner possible; and**
- (5) Expend no less than ten percent of total expenditures for consumer support and outreach and no more than twenty percent of total expenditures for program administration in any fiscal year.**

4. Missouri public or nonpublic organizations shall be used to deliver consumer support and outreach and administrative services in all contracts and subcontracts for a statewide telecommunications equipment distribution program.

5. The Missouri assistive technology advisory council shall be the program administrator for the statewide telecommunications equipment distribution program.

6. The Missouri assistive technology advisory council may promulgate rules necessary to implement and administer the telecommunications equipment distribution program, but no rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

7. The Missouri assistive technology advisory council may enter into contracts as necessary to carry out the telecommunications equipment distribution program, including but not limited to contracts with disability organizations.

[5.] **8.** Nothing in sections 209.251 to 209.259 shall be construed to require the state to purchase, install or maintain equipment on an eligible subscriber's premises which will enable the eligible subscriber to participate in the **dual-party relay** system.

**9. Nothing in sections 209.251 to 209.259 shall be construed to require the state to provide adaptive telecommunications equipment at no cost to all eligible subscribers. The Missouri assistive technology advisory council shall adopt procedures to limit eligibility based on financial means, existing access to adaptive telecommunications equipment, prior usage of the equipment distribution program, and other factors deemed appropriate by the program administrator. The scope of the program shall be limited to reasonable access to basic telecommunications as defined by the program administrator, subject to appropriations.**

**209.255. RATE ESTABLISHED TO RECOVER COSTS OF PROGRAMS — SURCHARGE, LIMITATIONS, COLLECTION — EXEMPTION FROM TAXES.**

— 1. The commission shall establish a rate recovery mechanism to recover the costs of implementing and maintaining the [program] **programs** provided for in section 209.253, which shall be applied to each basic telephone access line. Any surcharge established by such rate recovery mechanism shall not be imposed upon more than one hundred basic telephone access lines per subscriber per location. Any surcharge established by such rate recovery mechanism shall not be imposed on any telephone line used to provide pay telephone service. The surcharge may appear on the bill of each local exchange telephone subscriber identified separately as a deaf relay service and equipment distribution program fund surcharge. The commission shall not vary the amount of the surcharge between telephone companies nor between the class or grade of customers of any telephone company. The surcharge provided for in this section shall be exempt from the taxes provided for in chapter 144, RSMo, and the surcharge shall not be construed as gross receipts or revenue of the company collecting such for the purpose of local taxation.

2. Each basic telephone access line subscriber is liable for the payment of any surcharge provided for in subsection 1 of this section. The local exchange telephone company shall not be liable for any uncollected surcharge, nor shall it have any obligation to initiate any action to enforce the collection of the surcharge.

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**209.258. DEAF RELAY SERVICE FUND ESTABLISHED, PURPOSE —  
DEPOSIT — UNEXPENDED BALANCE NOT TO BE TRANSFERRED TO  
GENERAL REVENUE — COMMISSION AND ADVISORY ASSISTIVE  
TECHNOLOGY COUNCIL TO REQUEST APPROPRIATIONS FROM FUND  
FOR SERVICE DELIVERY.**— 1. All remaining deaf relay service and

equipment distribution program fund surcharge money collected by local exchange telephone companies pursuant to section 209.257 shall be paid to the director of revenue in a manner prescribed by the public service commission. The director of revenue shall remit such payments to the state treasurer.

2. The state treasurer shall credit such payments to a special fund, which is hereby created, to be known as the "Deaf Relay Service and Equipment Distribution Program Fund" which fund shall be devoted solely to the payment of expenditures actually incurred in operation of the statewide dual-party relay service and equipment distribution program authorized by section 209.253, including expenses associated with the administration of the dual-party relay service and equipment distribution program or incurred by members of any advisory committee appointed by the commission **or Missouri assistive technology advisory council** to help [it administer the dual-party relay service and] **in the administration of the statewide telecommunications** equipment distribution program authorized by section 209.253.

3. Any unexpended balance in the fund at the end of the fiscal year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund, but shall be applicable by appropriation of the general assembly to the payment of expenditures for the dual-party relay service and equipment distribution program in the succeeding fiscal year.

4. [Any unexpended balance in the deaf relay service fund on August 28, 1996, shall be transferred to the deaf relay service and equipment distribution program fund which is created in subsection 2 of this section.] **The commission shall annually request, through a separate budget line item, appropriations from the deaf relay service and equipment distribution program fund to deliver the dual-party relay service. The Missouri assistive technology advisory council shall annually request, through a separate budget line item of its departmental budget, appropriations from the deaf relay service and equipment distribution program fund to deliver the telecommunications equipment distribution program.**

**5. The current surcharge rate shall not increase for a period of two years after August 28, 2000, subject to change in federal requirements for deaf relay services.**

**209.259. REVIEW OF SURCHARGE AND DEDUCTION PERCENTAGE — RECOMMENDATION PROCEDURES — SURCHARGE ADJUSTED WHEN — EXCESS FUNDS, EFFECTIVE. — 1.** From the date of implementing the deaf relay service and equipment distribution fund surcharge, the commission shall review such surcharge no less frequently than every two years but no more than annually and shall order changes in the amount of the surcharge as necessary to assure available funds for the provision of the [program] **programs** established in section 209.253.

**2. The Missouri assistive technology advisory council shall annually provide the department with information on actual expenditures for the equipment distribution program along with projections for future need to assist in surcharge review. On August 28, 2000, the department shall make its initial recommendation to the commission regarding the amount of the surcharge established in section 209.255 necessary for funding of the equipment distribution program. Thereafter, the department may annually make a recommendation to the commission regarding the amount of the surcharge for that program. The commission shall, based on the department's recommendation, issue an order revising the surcharge established in section 209.255 as necessary to fund the equipment distribution program. The department's recommendation shall be based on the estimated number of access lines and anticipated budget for the coming fiscal year. The amount of the surcharge recommended by the department shall be sufficient to recover the annual costs of implementing and maintaining the equipment distribution program.**

**3.** Concurrent with the review of the surcharge, the commission shall review the percentage deducted and retained by the local exchange telephone company provided in section 209.257 and if necessary shall order adjustments to the percentage to assure a just and reasonable compensation to the local exchange telephone company. Where the review of the surcharge determines that excess funds are available, the commission may order the suspension of the deaf relay service and equipment distribution program fund surcharge for a period which the commission deems appropriate.

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**SECTION B. ENACTING CLAUSE.**—Section 301.020, RSMo Supp. 1999, and section 302.171, as both versions appear in RSMo Supp. 1999, are repealed and three new sections enacted in lieu thereof, to be known as sections 192.936, 301.020 and 302.171, to read as follows:

**192.936. BLINDNESS EDUCATION, SCREENING AND TREATMENT PROGRAM FUND — USES OF FUND — RULEMAKING. — 1.** There is hereby created in the state treasury the "Blindness Education, Screening and Treatment Program Fund". The fund shall consist of moneys donated pursuant to subsection 7 of section 301.020, RSMo, and subsection 3 of section 302.171, RSMo. Unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund, the provisions of section 33.080, RSMo, to the contrary notwithstanding.

2. Subject to the availability of funds in the blindness education, screening and treatment program fund, the department shall develop a blindness education, screening and treatment program to provide blindness prevention education and to provide screening and treatment for persons who do not have adequate coverage for such services under a health benefit plan.

3. The program shall provide for:

- (1) Public education about blindness and other eye conditions;
- (2) Screenings and eye examinations to identify conditions that may cause blindness; and
- (3) Treatment procedures necessary to prevent blindness.

4. The department may contract for program development with any department approved nonprofit organization dealing with regional and community blindness education, eye donor and vision treatment services.

5. The department may adopt rules to prescribe eligibility requirements for the program.

6. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

**301.020. APPLICATION FOR REGISTRATION OF MOTOR VEHICLES, CONTENTS — CERTAIN VEHICLES, SPECIAL PROVISIONS — PENALTY FOR FAILURE TO COMPLY — OPTIONAL BLINDNESS ASSISTANCE DONATION.**— 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein

otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This subsection shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

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4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company which pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 shall in writing notify the claimant, if he is the owner of the vehicle, and the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 3 of this section, to the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such claimant, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

**7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and**

**deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.936, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.936, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.**

**302.171. APPLICATION FOR LICENSE — FORM — CONTENT — EDUCATIONAL MATERIALS TO BE PROVIDED TO APPLICANTS UNDER TWENTY-ONE — VOLUNTARY CONTRIBUTION TO ORGAN DONATION PROGRAM — INFORMATION TO BE INCLUDED IN REGISTRY — VOLUNTARY CONTRIBUTION TO BLINDNESS ASSISTANCE.— 1.**

Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with

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educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

**3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.936, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the**

**purposes established in section 192.936, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.**

**[302.171. APPLICATION FOR LICENSE — FORM — CONTENT — EDUCATIONAL MATERIALS TO BE PROVIDED TO APPLICANTS UNDER TWENTY-ONE — VOLUNTARY CONTRIBUTION TO ORGAN DONATION PROGRAM — INFORMATION TO BE INCLUDED IN REGISTRY. 1.**

Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, color of hair, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the

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credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.]

**SECTION C. EFFECTIVE DATE.**—The provisions of section B of this act shall become effective January 1, 2001.

Approved June 29, 2000

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SB 724 [HS HCS SB 724]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Relating to tourism taxation.**

AN ACT to repeal section 144.157, RSMo 1994, and sections 67.1003 and 67.1360, RSMo Supp. 1999, relating to tourism taxation, and to

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enact in lieu thereof four new sections relating to the same subject, with an emergency clause for a certain section.

SECTION

- A. Enacting clause.
- 67.1003. Transient guest tax on hotels and motels in counties and cities meeting a room requirement or a population requirement, amount, issue submitted to voters, ballot language.
- 67.1360. Transient guests to pay tax for funding the promotion of tourism, certain cities and counties, vote required (including Bethany, Bloomfield, Bonne Terre, Boonville, Caruthersville, Desloge, Grain Valley, Hollister, Howard County, Leadington, Lebanon, New Madrid County and fourth class cities therein, Park Hills, St. James and Stoddard County).
- 67.1900. Transient guests of hotels and motels to pay tax to fund exposition and community center, city of Marshall.
- B. Enacting clause.
- 144.157. Violations in collecting, penalty.
- C. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Sections 67.1003 and 67.1360, RSMo Supp. 1999, are repealed and three new sections enacted in lieu thereof, to be known as sections 67.1003, 67.1360 and 67.1900, to read as follows:

**67.1003. TRANSIENT GUEST TAX ON HOTELS AND MOTELS IN COUNTIES AND CITIES MEETING A ROOM REQUIREMENT OR A POPULATION REQUIREMENT, AMOUNT, ISSUE SUBMITTED TO VOTERS, BALLOT LANGUAGE.**—1. The governing body of any city or county, other than a city or county already imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof pursuant to any other law of this state, having more than three hundred fifty hotel and motel rooms inside such city or county or a county of the third classification with a population of [less than seven thousand three hundred fifty and having an assessed valuation of less than forty-nine million dollars] **(1) more than seven thousand but less than seven thousand four hundred; (2) or a third class city with a population of greater than ten thousand but less than eleven thousand located in a county of the third classification with a township form of government with a population of more than thirty thousand; (3) or a county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-one thousand or any third class city with a population of more than eleven thousand but less than thirteen thousand which is located in a county of the**

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**third classification with a population of more than twenty- three thousand but less than twenty-six thousand** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. Notwithstanding any other provision of law to the contrary, the tax authorized in this section shall not be imposed in any city or county [where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof is imposed] **already imposing such tax** pursuant to any other law of this state.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city or county) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

[ ] YES

[ ] NO

4. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

**67.1360. TRANSIENT GUESTS TO PAY TAX FOR FUNDING THE PROMOTION OF TOURISM, CERTAIN CITIES AND COUNTIES, VOTE REQUIRED (INCLUDING BETHANY, BLOOMFIELD, BONNE TERRE, BOONVILLE, CARUTHERSVILLE, DESLOGE, GRAIN VALLEY, HOLLISTER, HOWARD COUNTY, LEADINGTON, LEBANON, NEW MADRID COUNTY AND FOURTH CLASS CITIES THEREIN, PARK HILLS, ST. JAMES AND STODDARD COUNTY).**— The governing body of a city with a population of more than seven thousand and less than seven thousand five hundred and a county with a population of over nine

thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003, or a third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants, or any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants, or any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants, or any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants, or any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants, **or any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand, or any county of the second classification without a township form of government and a population of less than thirty thousand or any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand, or any county of the third classification with a township form of government and a population of at least twenty- eight thousand but not more than thirty thousand and any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand, or any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand, or any fourth class**

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city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

**67.1900. TRANSIENT GUESTS OF HOTELS AND MOTELS TO PAY TAX TO FUND EXPOSITION AND COMMUNITY CENTER, CITY OF MARSHALL.**

— 1. The governing body of any third class city with a population of at least twelve thousand located in a county of the fourth classification may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state municipal, general or primary election, a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city solely for building and operating an exposition and community center. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent) percent for the purpose of building and operating an exposition and community center?

☐ YES                      ☐ NO

3. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

4. Within ten days after a vote in favor of the adoption of a tax authorized by this section and by the voters of any such city, the governing body of the city shall make its order imposing the tax. The tax shall become effective on the first day of the first calendar quarter after such order is made, and such tax shall be collected by the department of revenue in the same manner as prescribed in section 32.087, RSMo, except as otherwise provided in this section.

**SECTION B. ENACTING CLAUSE.**—Section 144.157, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 144.157, to read as follows:

**144.157. VIOLATIONS IN COLLECTING, PENALTY.**—1. Any person required to collect, truthfully account for and pay over any tax imposed by sections **67.1170 to 67.1180, 94.800 to 94.825, RSMo, and sections** 144.010 to 144.525 and 144.600 to 144.745 who willfully fails to collect such tax or truthfully account for and pay over such tax or willfully attempts in any manner to evade or defeat the tax or the payment thereof, or who shall willfully and knowingly overcharge or overcollect such tax with intent to make claim to any such overcharged or overcollected amounts under section 144.190, shall, in addition to other penalties provided by law, be liable to a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over, or overcharged or overcollected.

2. For purposes of this section, the term "person" includes an individual or an officer or employee of any corporation, including an administratively dissolved corporation or a foreign corporation that has had its certificate of authority revoked, or a member or employee of any partnership, who, as such officer, employee or member, is under a duty to perform the act in respect of which the violation occurs.

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3. Any officers, directors, statutory trustees or employees of any corporation, including administratively dissolved corporations or foreign corporations that have had their certificate of authority revoked, subject to the provisions of sections 144.010 to 144.745, who has the direct control, supervision or responsibility for filing returns and making payment of the amount of tax imposed in accordance with sections 144.010 to 144.745, and who fails to file such return and make payment of all taxes due with the director of revenue shall be personally assessed for such amounts, including interest, additions to tax and penalties thereon. This assessment shall be imposed only in the event that the assessment on the corporation is final, and such corporation fails to pay such amounts to the director of revenue. Notice shall be given of the director of revenue's intent to make the assessment against such officers, directors, statutory trustees or employees. The personal liability of such officers, directors, statutory trustees or employees as provided in this section shall survive the administrative dissolution of the corporation or, if a foreign corporation, the revocation of the corporation's certificate of authority.

**SECTION C. EMERGENCY CLAUSE.**—Because of the need to clarify the collection of revenue in certain cities, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval.

Approved June 27, 2000

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SB 741 [CCR HCS SB 741]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes bonds for water pollution and stormwater control.**

AN ACT to repeal sections 247.031, 249.255, 278.130, 640.220, 644.016, 644.021, 644.036, 644.052, 644.053, 644.054, 644.056, 644.061, 644.066, 644.071 and 644.076, RSMo 1994, and sections 247.170, 249.422, 644.026, 644.051, 644.101 and 644.122, RSMo

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Supp. 1999 and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 65 of the first regular session of the eighty-eighth general assembly, relating to water pollution control, and to enact in lieu thereof twenty-six new sections relating to the same subject.

## SECTION

## A. Enacting clause.

- 247.031. Detachment from district, when — procedure — costs — petition form.
- 247.170. Detachment of part of district included in city — conditions — procedure — election.
- 249.255. Public sewer district lien for unpaid charges — disconnection of services.
- 249.422. Fee imposed to repair lateral sewer service lines for certain residential property and in certain counties — ballot form — special account established for fees collected.
- 640.220. Natural resources protection fund created — purpose — funding — administration — fund relapses into general fund, when.
- 644.016. Definitions.
- 644.021. Commission created, members, qualifications, term — meetings.
- 644.026. Powers and duties of commission — rules, procedure.
- 644.036. Public hearings — rules and regulations, how promulgated.
- 644.051. Prohibited acts — permits required, when, fee — bond required of permit holders, when — permit application procedures — rulemaking — limitation on use of permit fee moneys.
- 644.052. Permit types, fees, amounts — requests for permit modifications — requests for federal clean water certifications.
- 644.053. Construction permit, fees — general construction permits by rule, fees not to exceed this section — animal feeding operation permit fees.
- 644.054. Fees, billing and collection — administration, generally — fees to become effective, when — fees to expire, when — variances granted, when.
- 644.056. Investigations, when — misrepresentation or failure to disclose a violation, when — abatement orders and abatement complaints, when — permits terminated, when — hearings — final determination.
- 644.061. Variances, when allowed — petition, fee — variance revoked, when — judicial review, how.
- 644.066. Public hearings, how conducted — transcripts available — discovery proceedings — hearings before single commissioner, when — final orders, how approved.
- 644.071. Judicial review authorized.
- 644.076. Unlawful acts prohibited — false statements and negligent acts prohibited — penalty — exception.
- 644.101. Certain drinking water and water pollution projects, state may provide assistance.
- 644.122. Water and wastewater loan fund established — use of funds — deposits, disbursements — exempt from transfer to general revenue.
- 644.572. Commissioners authorized to borrow additional \$10,000,000 for improvements.
- 644.574. Commissioners may borrow additional \$20,000,000 for rural water and sewer grants and loans.
- 644.576. Commissioners may borrow additional \$40,000,000 for grants and loans to storm water control plans.

## B. Enacting clause.

- 278.080. Establishing commission — members — powers and duties — rulemaking.
  - 278.080. Establishing commission — members — powers and duties — rulemaking.
  - 278.080. Establishing commission — members — powers and duties — rulemaking.
  - 278.130. Soil and water supervisors — limitation of powers.
  - 278.135. Districts engaging in soil conservation products business, approval of state soil and water commission required — complaint procedures — rulemaking authority.
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C. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Sections 247.031, 249.255, 640.220, 644.016, 644.021, 644.036, 644.052, 644.053, 644.054, 644.056, 644.061, 644.066, 644.071 and 644.076, RSMo 1994, and sections 247.170, 249.422, 644.026, 644.051, 644.101 and 644.122, RSMo Supp. 1999 and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 65 of the first regular session of the eighty- eighth general assembly, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 247.031, 247.170, 249.255, 249.422, 640.220, 644.016, 644.021, 644.026, 644.036, 644.051, 644.052, 644.053, 644.054, 644.056, 644.061, 644.066, 644.071, 644.076, 644.101, 644.122, 644.572, 644.574 and 644.576, to read as follows:

**247.031. DETACHMENT FROM DISTRICT, WHEN — PROCEDURE — COSTS — PETITION FORM.**— 1. Territory included in a district that is not being served by such district may be detached from such district provided that there are no outstanding general obligation or special obligation bonds[, or] **and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water.** If any such bonds [are] **or debt is** outstanding, [that] **and** the written consent of the holders [thereof] **of such bonds or the creditors to such debt** is obtained, **then such territory may be detached in spite of the existence of such bonds or debt**, except such consent shall not be required for special obligation bonds if the district has no waterlines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in the territory sought to be detached. If there are more than ten voters in such territory, the petition shall be

signed by five or more voters residing in the territory; if there are less than ten voters residing in such territory, the petition shall be signed by fifty percent or more of the voters residing in the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners so submitting the petition.

2. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing on the proposed detachment and the clerk shall give notice thereof in three consecutive issues of a weekly newspaper in each county in which any portion of the territory proposed to be detached lies, or in lieu thereof, in twenty consecutive issues of a daily newspaper in each county in which any portion of the tract proposed to be detached lies; the last insertion of the notice to be made not less than seven nor more than twenty-one days before the hearing. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF .....  
COUNTY, MISSOURI  
NOTICE OF THE FILING OF A PETITION FOR  
TERRITORIAL DETACHMENT FROM  
PUBLIC WATER SUPPLY DISTRICT NO. ....  
OF ..... COUNTY, MISSOURI.

To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named public water supply district, as provided by law:

(Describe tracts of land).

2. That a hearing on said petition will be held before this court on the ..... day of ....., [19] **20** ..., at ....., ....m.

3. Exceptions or objections to the detachment of said tracts from said public water supply district may be made by any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing not less than five days prior to the date set for hearing on the petition.

4. The names and addresses of the attorneys for the petitioner are:

.....

Clerk of the Circuit Court of  
..... County, Missouri

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3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. The exceptions or objections shall be in writing and shall specify the grounds upon which they are made and shall be filed not later than five days before the date set for hearing the petition. If any such exceptions or objections are filed, the court shall take them into consideration when considering the petition for detachment and the evidence in support of detachment. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.

5. If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory should be detached, the court shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections 247.010 to 247.220. Any subdistrict line changes shall not become effective until the next annual election of a member of the board of directors.

6. A certified copy of the court's order shall be filed in the office of the recorder and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners.

**247.170. DETACHMENT OF PART OF DISTRICT INCLUDED IN CITY — CONDITIONS — PROCEDURE — ELECTION.** — 1. Whenever any city owning a waterworks or water supply system extends its corporate limits to include any part of the area in a public water supply district, and the city and the board of directors of the district are unable to agree upon a service, lease or sale agreement, or are unable to proceed under section 247.160, then upon the expiration of ninety days after the effective date of the extension of the city limits, that part of the area of the district included within the corporate limits of the city may be detached and excluded from the district in the following manner:

(1) A petition to detach and exclude that part of the public water supply district lying within the corporate limits of the city as such limits have been extended, signed by not less than twenty-five voters within the water supply district, shall be filed in the circuit court of the county in which the district was originally organized.

(2) The court, being satisfied as to the sufficiency of the petition, shall call a special election of the voters of the district at which election the proposal to detach and exclude the part of the district lying within the corporate limits of the city shall be submitted to the voters in the entire district for a vote thereon. The election shall be conducted within the district by the election authority.

(3) The ballot shall briefly state the question to be voted on.

(4) In order to approve the detachment and exclusion of any part of the area in a public water supply district, the proposal shall require the approval of not less than a majority of the voters voting thereon.

(5) The election authorities shall thereafter promptly certify the result to the circuit court. The court, acting as a court of equity, shall thereupon without delay enter a decree detaching and excluding the area in question located within the corporate limits of the city from the public water supply district; except that before the decree detaching and excluding the area becomes final or effective, the city shall show to the court that it has assumed and agreed to pay in lump sum or in installments not less than that proportion of the sum of all existing liquidated general obligations and of all unpaid revenue bonds and interest thereon to date, of the water supply district as the assessed valuation of the real and tangible personal property within the area sought to be detached and excluded bears to the assessed valuation of all of the real and tangible personal property within the entire area of the district, according to the official county assessment of property as of December thirty-first of the calendar year next preceding the date of the election, and in addition thereto that the city has assumed and agreed to **assume or pay in a lump sum all contractual obligations of the water district that are greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water, and to pay the court costs.**

(6) The decree shall thereupon vest in the city the absolute title, free and clear of all liens or encumbrances of every kind and character, to all tangible real and personal property of the public water supply district located within the part of the district situated within the corporate limits of the city with full power in the city to use and dispose of the tangible real and personal property as it deems best in the public interest.

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(7) If the proposal fails to receive the approval of the voters the question may be again presented by another petition and again voted on, but not sooner than six months.

(8) Any and all sums paid out by the city under this section, other than the costs of the election, shall be administered by the circuit court for the benefit of the holders of the then existing and outstanding bonds of the district, and the remainder of such sums, if any, shall be delivered to the district to be expended in the operation, maintenance and improvement of its water distribution system.

2. Upon the effective date of any final order detaching and excluding any part of the area of any public water supply district, or leasing, selling or conveying any of the water mains, plant or equipment therein, the circuit court may, in the public interest, change the boundaries of the public water supply district and again divide or redivide the district into subdistricts for the election of directors in conformity with the provisions of section 247.040, without further petition being filed with the court so to do.

**249.255. PUBLIC SEWER DISTRICT LIEN FOR UNPAID CHARGES — DISCONNECTION OF SERVICES.**— 1. Should a public sewer district created and organized pursuant to constitutional or statutory authority place a lien upon a customer's property for unpaid sewer charges, the lien shall have priority as and be enforced in the same manner as taxes levied for state and county purposes.

2. Should the sewer charges of a public sewer district created and organized pursuant to constitutional or statutory authority remain unpaid for a period in excess of [one year] **three months**, the district, after notice to the customer by certified mail, shall have the authority at its discretion to disconnect the customer's sewer line from the district's line or request any private water company, public water supply district, or any municipality supplying water to the premises to discontinue service to the customer until such time as the sewer charges and all related costs of this section are paid.

**249.422. FEE IMPOSED TO REPAIR LATERAL SEWER SERVICE LINES FOR CERTAIN RESIDENTIAL PROPERTY AND IN CERTAIN COUNTIES — BALLOT FORM — SPECIAL ACCOUNT ESTABLISHED FOR FEES COLLECTED.**— 1. If approved by a majority of the voters voting on the proposal, any city, town, village or county on behalf of the unincorporated area, located **either** within the boundaries of a sewer

district established pursuant to article VI, section 30(a) of the Missouri Constitution **or within any county of the first classification having a charter form of government with a population of more than two hundred ten thousand inhabitants but less than three hundred thousand inhabitants**, may by city, town, village or county ordinance levy and impose annually for the repair of lateral sewer service lines on residential property having six or less dwelling units a fee not to exceed twenty-eight dollars per year.

2. The question shall be submitted in substantially the following form:

Shall a maximum charge of seven dollars be assessed quarterly on all residential property having six or less dwelling units to provide funds to pay the cost of certain repairs of defective lateral sewer service lines of those dwelling units?

☐ YES                      ☐ NO

3. If a majority of the voters voting thereon approve the proposal provided for in subsection 2 of this section, the governing body of the city, town, village or county may enact an ordinance for the collection and administration of such fee in order to protect the public health, welfare, peace and safety. The funds collected pursuant to such ordinance shall be deposited in a special account to be used solely for the purpose of paying for all or a portion of the costs reasonably associated with and necessary to administer and carry out the defective lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to the special account established for the repair of lateral sewer service lines.

**640.220. NATURAL RESOURCES PROTECTION FUND CREATED — PURPOSE — FUNDING — ADMINISTRATION — FUND RELAPSES INTO GENERAL FUND, WHEN.—**1. For the purpose of protecting the air, water and land resources of the state, there is hereby created in the state treasury a fund to be known as the "Natural Resources Protection Fund". All funds received from air pollution permit fees, gifts, bequests, donations, or any other moneys so designated shall be paid to the **director of the department of natural resources, transmitted to the** director of revenue and deposited in the state treasury to the credit of an appropriate subaccount of the natural resources protection fund and shall be used for the purposes specified by law. The air pollution permit fee revenues shall be deposited in an appropriate subaccount of the natural resources protection fund and, subject to appropriation by the general

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assembly, shall be used by the department to carry out the general administration of section 643.075, RSMo. The water pollution permit fee revenues generated through sections 644.052 [and], 644.053, **644.054 and 644.061**, RSMo, shall be paid to the **director of the department of natural resources, transmitted to the** director of the department of revenue and deposited to the credit of the water pollution permit fee subaccount of the natural resources protection fund and, subject to appropriation by the general assembly, shall be used by the department to carry out the administration of sections 644.006 to 644.141, RSMo.

2. Effective July 1, 1991, the provisions of section 33.080, RSMo, to the contrary notwithstanding, any unexpended balance in the subaccounts of the natural resources protection fund that exceeds the preceding biennium's collections shall revert to the general revenue fund of the state at the end of each biennium. All interest earned on the natural resources protection funds shall accrue to appropriate subaccounts.

**644.016. DEFINITIONS.**— When used in sections 644.006 to 644.141 and in standards, rules and regulations promulgated [under authority of] **pursuant to** sections 644.006 to 644.141, the following words and phrases mean:

(1) **"Commission", the clean water commission of the state of Missouri created in section 644.021;**

(2) "Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

[(2)] (3) **"Department", the department of natural resources;**

(4) **"Director", the director of the department of natural resources;**

(5) "Discharge", the causing or permitting of one or more water contaminants to enter the waters of the state;

[(3)] (6) "Effluent control regulations", limitations on the discharge of water contaminants;

(7) **"General permit", a permit written with a standard group of conditions and with applicability intended for a designated category of water contaminant sources that have the same or similar**

**operations, discharges and geographical locations, and that require the same or similar monitoring, and that would be more appropriately controlled pursuant to a general permit rather than pursuant to a site-specific permit;**

**(8) "Human sewage", human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from household or establishment appurtenances;**

[(4)] **(9) "Income"** includes retirement benefits, consultant fees, and stock dividends;

[(5)] **(10) "Minor violation"**, a violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;

**(11) "Permit by rule", a permit granted by rule, not by a paper certificate, and conditioned by the permit holder's compliance with commission rules;**

[(6)] **(12) "Permit holders or applicants for a permit"** shall not include officials or employees who work full time for any department or agency of the state of Missouri;

[(7)] **(13) "Person"**, any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;

[(8)] **(14) "Point source"**, any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged;

[(9)] **(15) "Pollution"**, such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is reasonably certain to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild animals, birds, fish or other aquatic life;

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[(10)] **(16)** "Pretreatment regulations", limitations on the introduction of pollutants or water contaminants into publicly owned treatment works or facilities which the commission determines are not susceptible to treatment by such works or facilities or which would interfere with their operation, except that wastes as determined compatible for treatment [under] **pursuant to** any federal water pollution control act or guidelines shall be limited or treated [hereunder] **pursuant to this chapter** only as required by such act or guidelines;

[(11)] **(17)** "**Residential housing development**", any land which is divided or proposed to be divided into three or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan for residential housing;

**(18)** "Sewer system", pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or handling;

[(12)] **(19)** "Significant portion of his or her income" shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for a calendar year if the recipient is over sixty years of age, and is receiving such portion pursuant to retirement, pension, or similar arrangement;

[(13)] **(20)** "**Site-specific permit**", a permit written for discharges emitted from a single water contaminant source and containing specific conditions, monitoring requirements and effluent limits to control such discharges;

**(21)** "Treatment facilities", any method, process, or equipment which removes, reduces, or renders less obnoxious water contaminants released from any source;

[(14)] **(22)** "Water contaminant", any particulate matter or solid matter or liquid or any gas or vapor or any combination thereof, or any temperature change which is in or enters any waters of the state either directly or indirectly by surface runoff, by sewer, by subsurface seepage or otherwise, which causes or would cause pollution upon entering waters of the state, or which violates or exceeds any of the standards, regulations or limitations set forth in sections 644.006 to 644.141 or any federal water pollution control act, or is included in the definition of pollutant in such federal act;

[(15)] **(23)** "Water contaminant source", the point or points of discharge from a single tract of property on which is located any installation, operation or condition which includes any point source

defined in sections 644.006 to 644.141 and nonpoint source [under] **pursuant to** any federal water pollution control act, which causes or permits a water contaminant therefrom to enter waters of the state either directly or indirectly;

[(16)] **(24)** "Water quality standards", specified concentrations and durations of water contaminants which reflect the relationship of the intensity and composition of water contaminants to potential undesirable effects;

[(17)] **(25)** "Waters of the state", all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common and includes waters of the United States lying within the state.

**644.021. COMMISSION CREATED, MEMBERS, QUALIFICATIONS, TERM — MEETINGS.** — 1. There is hereby created a water contaminant control agency to be known as the "Clean Water Commission of the State of Missouri", whose domicile for the purposes of sections 644.006 to 644.141 shall be deemed to be that of the department of natural resources. The commission shall consist of six members appointed by the governor with the advice and consent of the senate. No more than three of the members shall belong to the same political party. All members shall be representative of the general interest of the public and shall have an interest in and knowledge of conservation and the effects and control of water contaminants. Two such members, but no more than two, shall be knowledgeable concerning the needs of agriculture, industry or mining and interested in protecting these needs in a manner consistent with the purposes of sections 644.006 to 644.141. No member shall receive, or have received during the previous two years, a significant portion of his **or her** income directly or indirectly from permit holders or applicants for a permit [under] **pursuant to** any federal water pollution control act as amended and as applicable to this state. At the first meeting of the commission and at yearly intervals thereafter, the members shall select from among themselves a chairman and a vice chairman.

2. The members' terms of office shall be four years and until their successors are selected and qualified. Provided, however, that the first three members appointed shall serve a term of two years, the next three members appointed shall serve a term of four years, thereafter all

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members appointed shall serve a term of four years. There is no limitation on the number of terms any appointed member may serve. If a vacancy occurs the governor may appoint a member for the remaining portion of the unexpired term created by the vacancy. The governor may remove any appointed member for cause. The members of the commission shall be reimbursed for travel and other expenses actually and necessarily incurred in the performance of their duties.

3. The commission shall hold at least four regular meetings each year and such additional meetings as the chairman deems desirable at a place and time to be fixed by the chairman. Special meetings may be called by three members of the commission upon delivery of written notice to each member of the commission. Reasonable written notice of all meetings shall be given by the [executive secretary] **director** to all members of the commission. Four members of the commission shall constitute a quorum. All powers and duties conferred specifically upon members of the commission shall be exercised personally by the members and not by alternates or representatives. All actions of the commission shall be taken at meetings open to the public. Any member absent from six consecutive regular commission meetings for any cause whatsoever shall be deemed to have resigned and the vacancy shall be filled immediately in accordance with subsection 1 **of this section**.

[4. The commission shall appoint an executive secretary who shall act as its administrative agent and whose powers shall be limited to those necessary under sections 644.006 to 644.141 or any federal water pollution control act, and he shall be qualified, by education, training, and experience, in technical matters in water contaminant control.]

**644.026. POWERS AND DUTIES OF COMMISSION — RULES, PROCEDURE.** — 1. The commission shall:

(1) Exercise general supervision of the administration and enforcement of sections 644.006 to 644.141 and all rules and regulations and orders promulgated thereunder;

(2) Develop comprehensive plans and programs for the prevention, control and abatement of new or existing pollution of the waters of the state;

(3) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, and with affected groups, political subdivisions and industries in furtherance of the purposes of sections 644.006 to 644.141;

(4) Accept gifts, contributions, donations, loans and grants from the federal government and from other sources, public or private, for carrying out any of its functions, which funds shall not be expended for other than the purposes for which provided;

(5) Encourage, participate in, or conduct studies, investigations, and research and demonstrations relating to water pollution and causes, prevention, control and abatement thereof as it may deem advisable and necessary for the discharge of its duties [under] **pursuant to** sections 644.006 to 644.141;

(6) Collect and disseminate information relating to water pollution and the prevention, control and abatement thereof;

(7) After holding public hearings, identify waters of the state and prescribe water quality standards for them, giving due recognition to variations, if any, and the characteristics of different waters of the state which may be deemed by the commission to be relevant insofar as possible [under] **pursuant to** any federal water pollution control act. These shall be reevaluated and modified as required by any federal water pollution control act;

(8) Adopt, amend, promulgate, or repeal after due notice and hearing, rules and regulations to enforce, implement, and effectuate the powers and duties of sections 644.006 to 644.141 and any required of this state by any federal water pollution control act, and as the commission may deem necessary to prevent, control and abate existing or potential pollution;

(9) Issue, modify or revoke orders prohibiting or abating discharges of water contaminants into the waters of the state or adopting other remedial measures to prevent, control or abate pollution;

(10) Administer state and federal grants and loans to municipalities and political subdivisions for the planning and construction of sewage treatment works;

(11) Hold such hearings, issue such notices of hearings and subpoenas requiring the attendance of such witnesses and the production of such evidence, administer such oaths, and take such testimony as the commission deems necessary or as required by any federal water pollution control act. Any of these powers may be exercised on behalf of the commission by any members thereof or a hearing officer designated by it;

(12) Require the prior submission of plans and specifications, or other data including the quantity and types of water contaminants, and inspect the construction of treatment facilities and sewer systems or any

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part thereof in connection with the issuance of such permits or approval as are required by sections 644.006 to 644.141, **except that manholes and polyvinyl chloride (PVC) pipe used for gravity sewers and with a diameter no greater than twenty-seven inches shall not be required to be tested for leakage;**

(13) Issue, continue in effect, revoke, modify or deny, under such conditions as it may prescribe, to prevent, control or abate pollution or any violations of sections 644.006 to 644.141 or any federal water pollution control act, permits for the discharge of water contaminants into the waters of this state, and for the installation, modification or operation of treatment facilities, sewer systems or any parts thereof. Such permit conditions, in addition to all other requirements of this subdivision, shall ensure compliance with all effluent regulations or limitations, water quality related effluent limitations, national standards of performance and toxic and pretreatment effluent standards, and all requirements and time schedules thereunder as established by sections 644.006 to 644.141 and any federal water pollution control act; however, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works;

**(14) Establish permits by rule. Such permits shall only be available for those facilities or classes of facilities that control potential water contaminants that pose a reduced threat to public health or the environment and that are in compliance with commission water quality standards rules, effluent rules or rules establishing permits by rule. Such permits by rule shall have the same legal standing as other permits issued pursuant to this chapter. Nothing in this section shall prohibit the commission from requiring a site-specific permit or a general permit for individual facilities;**

(15) Require proper maintenance and operation of treatment facilities and sewer systems and proper disposal of residual waste from all such facilities and systems;

[(15)] (16) Exercise all incidental powers necessary to carry out the purposes of sections 644.006 to 644.141, assure that the state of Missouri complies with any federal water pollution control act, retains maximum control thereunder and receives all desired federal grants, aid and benefits;

[(16)] (17) Establish effluent and pretreatment and toxic material control regulations to further the purposes of sections 644.006 to 644.141 and as required to ensure compliance with all effluent limitations, water

quality related effluent limitations, national standards of performance and toxic and pretreatment effluent standards, and all requirements and any time schedules thereunder, as established by any federal water pollution control act for point sources in this state, and where necessary to prevent violation of water quality standards of this state;

[(17)] (18) Prohibit all discharges of radiological, chemical, or biological warfare agent or high-level radioactive waste into waters of this state;

[(18)] (19) Require that all publicly owned treatment works or facilities which receive or have received grants or loans from the state or the federal government for construction or improvement make all charges required by sections 644.006 to 644.141 or any federal water pollution control act for use and recovery of capital costs, and the operating authority for such works or facility is hereby authorized to make any such charges;

[(19)] (20) Represent the state of Missouri in all matters pertaining to interstate water pollution including the negotiation of interstate compacts or agreements;

[(20)] (21) Develop such facts and make such investigations as are consistent with the purposes of sections 644.006 to 644.141, and, in connection therewith, to enter or authorize any representative of the commission to enter at all reasonable times and upon reasonable notice in or upon any private or public property for any purpose required by any federal water pollution control act or sections 644.006 to 644.141 for the purpose of developing rules, regulations, limitations, standards, or permit conditions, or inspecting or investigating any records required to be kept by sections 644.006 to 644.141 or any permit issued [hereunder] **pursuant to sections 644.006 to 644.141**, any condition which the commission or [executive secretary] **director** has probable cause to believe to be a water contaminant source or the site of any suspected violation of sections 644.006 to 644.141, regulations, standards, or limitations, or permits issued [hereunder] **pursuant to sections 644.006 to 644.141**. The results of any such investigation shall be reduced to writing, and shall be furnished to the owner or operator of the property. No person shall refuse entry or access, requested for the purposes of inspection [under this provision] **pursuant to this subdivision**, to an authorized representative in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any judge or associate circuit judge having jurisdiction to any representative for the purpose of enabling him

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or her to make such inspection. Information obtained [under] **pursuant to** this section shall be available to the public unless it constitutes trade secrets or confidential information, other than effluent data, of the person from whom it is obtained, except when disclosure is required [under] **pursuant to** any federal water pollution control act;

[(21)] (22) Retain, employ, provide for, and compensate, within appropriations available therefor, such consultants, assistants, deputies, clerks and other employees on a full- or part-time basis as may be necessary to carry out the provisions of sections 644.006 to 644.141 and prescribe the times at which they shall be appointed and their powers and duties;

[(22)] (23) Secure necessary scientific, technical, administrative and operation services, including laboratory facilities, by contract or otherwise, with any educational institution, experiment station, or any board, department, or other agency of any political subdivision of the state or the federal government;

[(23)] (24) Require persons owning or engaged in operations which do or could discharge water contaminants, or introduce water contaminants or pollutants of a quality and quantity to be established by the commission, into any publicly owned treatment works or facility, to provide and maintain any facilities and conduct any tests and monitoring necessary to establish and maintain records and to file reports containing information relating to measures to prevent, lessen or render any discharge less harmful or relating to rate, period, composition, temperature, and quality and quantity of the effluent, and any other information required by any federal water pollution control act or the [executive secretary hereunder] **director**, and to make them public, except as provided in subdivision [(20)] (21) of this section. The commission shall develop and adopt such procedures for inspection, investigation, testing, sampling, monitoring and entry respecting water contaminant and point sources as may be required for approval of such a program [under] **pursuant to** any federal water pollution control act;

[(24)] (25) Take any action necessary to implement continuing planning processes and areawide waste treatment management as established [under] **pursuant to** any federal water pollution control act or sections 644.006 to 644.141.

2. No rule or portion of a rule promulgated [under the authority of] **pursuant to** this chapter shall become effective unless it has been promulgated pursuant to [the provisions of section 536.024,] **chapter 536, RSMo.**

**644.036. PUBLIC HEARINGS — RULES AND REGULATIONS, HOW PROMULGATED.** — 1. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held after thirty days' prior notice by advertisement of the date, time and place of the hearing and opportunity given to the public to be heard. Notice of the hearings and copies of the proposed standard, rule or regulation or any amendment or repeal thereof shall also be given by regular mail, at least thirty days prior to the scheduled date of the hearing, to any person who has registered with the [executive secretary] **director** for the purpose of receiving notice of such public hearings in accordance with the procedures prescribed by the commission at least forty-five days prior to the scheduled date of the hearing. However, this provision shall not preclude necessary changes during this thirty-day period.

2. At the hearing, opportunity to be heard by the commission with respect to the subject thereof shall be afforded any interested person upon written request to the commission, addressed to the [executive secretary] **director**, not later than seven days prior to the hearing, and may be afforded to other persons if convenient. In addition, any interested persons, whether or not heard, may submit, within seven days subsequent to the hearings, a written statement of their views. The commission may solicit the views, in writing, of persons who may be affected by, or interested in, proposed rules and regulations, or standards. Any person heard or represented at the hearing or making written request for notice shall be given written notice of the action of the commission with respect to the subject thereof.

3. Any standard, rule or regulation or amendment or repeal thereof shall not be deemed adopted or in force and effect until it has been approved in writing by at least four members of the commission. A standard, rule or regulation or an amendment or repeal thereof shall not become effective until a certified copy thereof has been filed with the secretary of state as provided in chapter 536, RSMo.

4. Unless prohibited by any federal water pollution control act, any standard, rule or regulation or any amendment or repeal thereof which is adopted by the commission may differ in its terms and provisions as between particular types and conditions of water quality standards or of water contaminants, as between particular classes of water contaminant sources, and as between particular waters of the state.

**644.051. PROHIBITED ACTS — PERMITS REQUIRED, WHEN, FEE — BOND REQUIRED OF PERMIT HOLDERS, WHEN — PERMIT APPLICATION**

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**PROCEDURES — RULEMAKING — LIMITATION ON USE OF PERMIT FEE MONEYS.—** 1. It is unlawful for any person:

(1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission [if not subject to effluent regulations adopted pursuant to sections 644.006 to 644.141];

(3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to build, erect, alter, replace, operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds a permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. Every proposed water contaminant or point source which, when constructed or installed or established, will be subject to any federal water pollution control act or sections 644.006 to 644.141 or regulations promulgated pursuant to the provisions of such act shall make application to the [executive secretary] **director** for a permit at least thirty days prior to the initiation of construction or installation or establishment. Every water contaminant or point source in existence when regulations or sections 644.006 to 644.141 become effective shall make application to the [executive secretary] **director** for a permit within sixty days after the regulations or sections 644.006 to 644.141 become effective, whichever shall be earlier. The [executive secretary] **director** shall promptly investigate each application, which investigation shall include such hearings and notice, and consideration of such comments and recommendations as required by sections 644.006 to 644.141 and any federal water pollution control act. If the [executive secretary]

**director** determines that the source meets or will meet the requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant thereto, the [executive secretary] **director** shall issue a permit with such conditions as he or she deems necessary to ensure that the source will meet the requirements of sections 644.006 to 644.141 and any federal water pollution control act as it applies to sources in this state. If the [executive secretary] **director** determines that the source does not meet or will not meet the requirements of either act and the regulations pursuant thereto, the [executive secretary] **director** shall deny the permit pursuant to the applicable act and issue any notices required by sections 644.006 to 644.141 and any federal water pollution control act.

4. Before issuing a permit to build or enlarge a water contaminant or point source or reissuing any permit, the [executive secretary] **director** shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The [executive secretary] **director** shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The [executive secretary] **director**, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule.

5. The [executive secretary] **director** shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The [executive secretary] **director** or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

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6. The [executive secretary] **director** shall promptly notify the applicant [or other affected party] in writing of his or her action and if the permit is denied state the reasons therefor. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit by filing notice of appeal with the commission within thirty days of the notice of denial or issuance of the permit. The commission shall set the matter for hearing not less than thirty days after the notice of appeal is filed. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto.

7. In any hearing held pursuant to this section the burden of proof is on the applicant for a permit. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit [hereunder] **issued pursuant to this section** shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. [All moneys remaining in the Missouri clean water fund on August 28, 1990, shall be transferred to the water pollution permit fee subaccount of the natural resources protection fund.] Applications for renewal of an operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit.

10. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of

effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

11. The [executive secretary] **director** or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

**12. (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the requested permits within sixty days of the department's receipt of an application.**

**(2) If the department fails to issue or deny with good cause a construction or operating permit application within the timeframes established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established timeframe. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065, RSMo.**

**(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant's permit fee plus interest and reasonable attorney's**

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fees as provided in sections 536.085 and 536.087, RSMo. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the timeframes established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the timeframes established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semi-annual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

13. The department shall respond to all requests for individual certification under section 401 of the federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

14. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.

**644.052. PERMIT TYPES, FEES, AMOUNTS — REQUESTS FOR PERMIT MODIFICATIONS — REQUESTS FOR FEDERAL CLEAN WATER CERTIFICATIONS.**— 1. Persons with operating permits **or permits by rule** issued pursuant to this chapter shall pay [a permit fee as provided in this section. For the purposes of this section "population equivalent" is a measure used in the design and comparison of sewage treatment plants which represents the number of people who could be expected to contribute any specific amount of waste water. A city or publicly owned treatment works or a sewer district shall annually pay a fee as established in subsection 2 of this section but such fee shall be at least one and one-half cents per population equivalent and not more than ten cents per population equivalent; provided, however, that such fee shall not be less than fifteen dollars annually.] **fees pursuant to subsections 2 to 8 and 12 to 13 of this section. Persons with a sewer service connection to public sewer systems owned or operated by a city, public sewer district, public water district or other publicly owned treatment works shall pay a permit fee pursuant to subsections 10 and 11 of this section.**

2. A [city or publicly owned treatment works, a] privately owned treatment works[, ] **or** an industry which treats only [domestic] **human** sewage [as defined in section 701.025, RSMo, or a sewer district] shall annually [collect and] **pay a fee based upon the design flow of the facility as follows:**

(1) [Fifteen] **One hundred** dollars if the design flow is less than five thousand gallons per day;

(2) [Fifty] **One hundred fifty** dollars if the design flow is equal to or greater than five thousand gallons per day but less than [two hundred fifty] **six** thousand gallons per day;

(3) [Five hundred dollars if the design flow is equal to or greater than two hundred fifty thousand gallons per day but less than five hundred thousand gallons per day;

(4) One thousand dollars if the design flow is equal to or greater than five hundred thousand gallons per day but less than seven hundred fifty thousand gallons per day;

(5) One thousand five hundred dollars if the design flow is equal to or greater than seven hundred fifty thousand gallons per day but less than one million gallons per day;

(6) Two thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day but less than five million gallons per day; or

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(7) Three thousand dollars if the design flow is equal to or greater than five million gallons per day.] **One hundred seventy-five dollars if the design flow is equal to or greater than six thousand gallons per day but less than seven thousand gallons per day;**

(4) **Two hundred dollars if the design flow is equal to or greater than seven thousand gallons per day but less than eight thousand gallons per day;**

(5) **Two hundred twenty-five dollars if the design flow is equal to or greater than eight thousand gallons per day but less than nine thousand gallons per day;**

(6) **Two hundred fifty dollars if the design flow is equal to or greater than nine thousand gallons per day but less than ten thousand gallons per day;**

(7) **Three hundred seventy-five dollars if the design flow is equal to or greater than ten thousand gallons per day but less than eleven thousand gallons per day;**

(8) **Four hundred dollars if the design flow is equal to or greater than eleven thousand gallons per day but less than twelve thousand gallons per day;**

(9) **Four hundred fifty dollars if the design flow is equal to or greater than twelve thousand gallons per day but less than thirteen thousand gallons per day;**

(10) **Five hundred dollars if the design flow is equal to or greater than thirteen thousand gallons per day but less than fourteen thousand gallons per day;**

(11) **Five hundred fifty dollars if the design flow is equal to or greater than fourteen thousand gallons per day but less than fifteen thousand gallons per day;**

(12) **Six hundred dollars if the design flow is equal to or greater than fifteen thousand gallons per day but less than sixteen thousand gallons per day;**

(13) **Six hundred fifty dollars if the design flow is equal to or greater than sixteen thousand gallons per day but less than seventeen thousand gallons per day;**

(14) **Eight hundred dollars if the design flow is equal to or greater than seventeen thousand gallons per day but less than twenty thousand gallons per day;**

(15) **One thousand dollars if the design flow is equal to or greater than twenty thousand gallons per day but less than twenty-three thousand gallons per day;**

**(16) Two thousand dollars if the design flow is equal to or greater than twenty-three thousand gallons per day but less than twenty-five thousand gallons per day;**

**(17) Two thousand five hundred dollars if the design flow is equal to or greater than twenty-five thousand gallons per day but less than thirty thousand gallons per day;**

**(18) Three thousand dollars if the design flow is equal to or greater than thirty thousand gallons per day but less than one million gallons per day; or**

**(19) Three thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.**

3. [In addition to the fees required in subsection 2 of this section, a city or publicly owned treatment works, a privately owned treatment works or a sewer district which operates an approved pretreatment program shall annually collect and pay:

(1) Three thousand dollars if the combined design flow is less than five million gallons per day; or

(2) Six thousand dollars if the combined design flow is equal to or greater than five million gallons per day.

4.] Persons who produce industrial process wastewater which requires treatment[, identified in 40 CFR 405 through 40 CFR 464,] **and who apply for or possess a site-specific permit** shall annually pay:

**(1) Five thousand dollars if the industry is a class IA animal feeding operation as defined by the commission; or**

**(2) For facilities issued operating permits based upon categorical standards pursuant to the Federal Clean Water Act and regulations implementing such act:**

**(a) Three thousand five hundred dollars if the design flow is less than one million gallons per day; or**

**[(2)] (b) Five thousand dollars if the design flow is equal to or greater than one million gallons per day.**

**4. Persons who apply for or possess a site-specific permit solely for industrial stormwater shall pay an annual fee of:**

**(1) One thousand three hundred fifty dollars if the design flow is less than one million gallons per day; or**

**(2) Two thousand three hundred fifty dollars if the design flow is equal to or greater than one million gallons per day.**

5. Persons who produce industrial process wastewater who are not included in **subsection 2 or 3** of this section shall annually pay:

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(1) One thousand five hundred dollars if the design flow is less than one million gallons per day; or

(2) Two thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.

6. [The commission shall promulgate rules and regulations which specify treatment works, by category, whose discharge has only a minimal impact. Persons owning such treatment works, including private trout farms or hatcheries, may apply for a general permit. Persons who apply for a general permit which authorizes more than one discharge of the same type within a specific area shall pay a fee of one hundred fifty dollars for each such permit.] **Persons who apply for or possess a general permit shall pay:**

**(1) Three hundred dollars for the discharge of stormwater from a land disturbance site;**

**(2) Fifty dollars annually for the operation of a chemical fertilizer or pesticide facility;**

**(3) One hundred fifty dollars for the operation of an animal feeding operation or a concentrated animal feeding operation;**

**(4) One hundred fifty dollars annually for new permits for the discharge of process water or stormwater potentially contaminated by activities not included in subdivisions (1) to (3) of this subsection. Persons paying fees pursuant to this subdivision with existing general permits on August 27, 2000, and persons paying fees pursuant to this subdivision who receive renewed general permits on the same facility after August 27, 2000, shall pay sixty dollars annually.**

7. **Requests for modifications to state operating permits on entities that charge a service connection fee pursuant to subsection 10 of this section shall be accompanied by a two hundred dollar fee. The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.**

8. **Requests for state operating permit modifications other than those described in subsection 7 of this section shall be accompanied by a fee equal to twenty-five percent of the annual operating fee assessed for the facility pursuant to this section. The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.**

**9. Persons requesting water quality certifications in accordance with section 401 of the Federal Clean Water Act shall pay a fee of seventy-five dollars and shall submit the standard application form for a section 404 permit as administered by the U.S. Army Corps of Engineers or similar information required for other federal licenses and permits, except that the fee is waived for water quality certifications issued and accepted for activities authorized pursuant to a general permit or nationwide permit by the U.S. Army Corps of Engineers.**

**10. Persons with a direct or indirect sewer service connection to a public sewer system owned or operated by a city, public sewer district, public water district, or other publicly owned treatment works shall pay an annual fee per water service connection as provided in this subsection. Customers served by multiple water service connections shall pay such fee for each water service connection, except that no single facility served by multiple connections shall pay more than a total of seven hundred dollars per year. The fees provided for in this subsection shall be collected by the agency billing such customer for sewer service and remitted to the department. The fees may be collected in monthly, quarterly or annual increments, and shall be remitted to the department no less frequently than annually. The fees collected shall not exceed the amounts specified in this subsection and, except as provided in subsection 11 of this section, shall be collected at the specified amounts unless adjusted by the commission in rules. The annual fees shall not exceed:**

**(1) For sewer systems that serve more than thirty-five thousand customers, forty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;**

**(2) For sewer systems that serve equal to or less than thirty-five thousand but more than twenty thousand customers, fifty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;**

**(3) For sewer systems that serve equal to or less than twenty thousand but more than seven thousand customers, sixty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;**

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(4) For sewer systems that serve equal to or less than seven thousand but more than one thousand customers, seventy cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(5) For sewer systems that serve equal to or less than one thousand customers, eighty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(6) Three dollars for commercial or industrial customers not served by a public water system as defined in chapter 640, RSMo;

(7) Three dollars per water service connection for all other customers with water service connections of less than or equal to one inch excluding taps for fire suppression and irrigation systems;

(8) Ten dollars per water service connection for all other customers with water service connections of more than one inch but less than or equal to four inches, excluding taps for fire suppression and irrigation systems;

(9) Twenty-five dollars per water service connection for all other customers with water service connections of more than four inches, excluding taps for fire suppression and irrigation systems.

11. Customers served by any district formed pursuant to the provisions of section 30(a) of article VI of the Missouri Constitution shall pay the fees set forth in subsection 10 of this section according to the following schedule:

(1) From August 28, 2000, through September 30, 2001, customers of any such district shall pay fifty percent of such fees; and

(2) Beginning October 1, 2001, customers of any such districts shall pay one hundred percent of such fees.

12. Persons submitting a notice of intent to operate pursuant to a permit by rule shall pay a filing fee of twenty- five dollars.

13. For any general permit issued to a state agency for highway construction pursuant to subdivision (1) of subsection 6 of this section, a single fee may cover all sites subject to the permit.

**644.053. CONSTRUCTION PERMIT, FEES — GENERAL**  
CONSTRUCTION PERMITS BY RULE, FEES NOT TO EXCEED THIS SECTION  
— ANIMAL FEEDING OPERATION PERMIT FEES.— 1. Persons applying

for a construction permit issued pursuant to this chapter shall pay a construction permit fee as [provided herein] **follows:**

(1) [Five hundred dollars] **Seven hundred fifty** for a [sewage] **wastewater** treatment plant if the design flow is less than five hundred thousand gallons per day;

(2) [One thousand five] **Two thousand two** hundred dollars for a [sewage] **wastewater** treatment plant if the design flow is equal to or more than five hundred thousand gallons per day;

(3) [Fifty] **Seventy-five** dollars for a sewer extension [if the extension is] **of** less than one thousand lineal feet of pipe;

(4) [Two] **Three** hundred dollars [for a construction permit] for a sewer extension equal to or more than one thousand lineal feet of pipe; or

(5) [Two] **Three** hundred dollars for each sewage pumping station.

2. The applicant shall pay the highest appropriate fee [under] **pursuant to** subdivisions (1) to (5) of subsection 1 of this section, but shall pay only [under] **pursuant to** one subdivision regardless of the nature of the planned construction.

3. **The commission may establish, by rule, general permits for construction and establish fees for such permits that shall not exceed the construction permit fees provided for in subsection 1 of this section.**

4. **Persons who apply for or possess an operator's certificate for treatment of wastewater or for concentrated animal feeding operation waste management shall pay fees of:**

(1) **Forty-five dollars for an application for a certificate of competency, including an initial exam and the issuance of an initial certificate of competency;**

(2) **Twenty dollars for an application for subsequent exams of the same certification type and level if the applicant fails the initial exam;**

(3) **Forty-five dollars for an application for a renewal of a certificate of competency;**

(4) **Forty dollars for an application for reciprocity with other certification programs; and**

(5) **Twenty-five dollars for the issuance of a reciprocated certificate of competency.**

**644.054. FEES, BILLING AND COLLECTION — ADMINISTRATION, GENERALLY — FEES TO BECOME EFFECTIVE, WHEN — FEES TO EXPIRE, WHEN — VARIANCES GRANTED, WHEN.— 1. Fees imposed in**

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sections 644.052 and 644.053 shall, **except for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052**, become effective October 1, 1990, and shall expire December 31, [2000] **2007. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000, and shall expire on December 31, 2007.** The clean water commission shall promulgate rules and regulations on the procedures for billing and collection. All sums received through the payment of fees shall be placed in the state treasury and credited to an appropriate subaccount of the natural resources protection fund created in section 640.220, RSMo. Moneys in the subaccount shall be expended, upon appropriation, solely for the administration of sections 644.006 to 644.141. Fees collected **pursuant to subsection 10 of section 644.052** by a city, a public sewer district, a public water district or other publicly owned treatment works [or a sewer district in sections 644.052 and 644.053] are state fees. [These fees may be passed through to persons who utilize the treatment works or sewer district and may be enumerated separately from all other charges.] **Five percent of the fee revenue collected shall be retained by the city, public sewer district, public water district or other publicly owned treatment works as reimbursement of billing and collection expenses.**

2. The commission may grant a variance pursuant to section 644.061 to reduce fees collected pursuant to section 644.052 for facilities that adopt systems or technologies that reduce the discharge of water contaminants substantially below the levels required by commission rules.

3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due in accordance with the following schedule after August 27, 2000:

(1) For new or renewed permits, fees shall be due on the date of application and on each anniversary date of permit issuance thereafter until the permit is terminated;

(2) For permits in effect on August 27, 2000, fees shall be due on each anniversary date of permit issuance until the permit is terminated;

(3) For general permits issued pursuant to subdivisions (2) and (4) of subsection 6 of section 644.052 and in effect on August 27, 2000, the permittee will be credited thirty dollars on each anniversary date of permit issuance that falls between August 27, 2000, and the date the permit expires.

**644.056. INVESTIGATIONS, WHEN — MISREPRESENTATION OR FAILURE TO DISCLOSE A VIOLATION, WHEN — ABATEMENT ORDERS AND ABATEMENT COMPLAINTS, WHEN — PERMITS TERMINATED, WHEN — HEARINGS — FINAL DETERMINATION.**— 1. The [executive secretary] **director** shall cause investigations to be made upon the request of the commission or upon receipt of information concerning alleged violations of sections 644.006 to 644.141 or any standard, limitation, order, rule or regulation promulgated pursuant thereto, or any term or condition of any permit and may cause to be made any other investigations he **or she** deems advisable. Violations shall include obtaining a permit [hereunder] by misrepresentation or failure to fully disclose all relevant facts.

2. If, in the opinion of the [executive secretary] **director**, the investigation discloses that a violation does exist, [he] **the director** may, by conference, conciliation or persuasion, endeavor to eliminate the violation.

3. In case of the failure by conference, conciliation or persuasion to correct or remedy any claimed violation, or as required to immediately and effectively halt or eliminate any imminent or substantial endangerments to the health or welfare of persons resulting from the discharge of pollutants, the [executive secretary] **director** shall order abatement or file an abatement complaint with the commission if no permit has been issued, or in addition may file a complaint to revoke a permit if such permit has been issued. When the [executive secretary] **director** files a complaint, the commission shall order a hearing. The [executive secretary] **director** shall cause to have issued and served upon the person complained against a written notice of the order or complaint, together with a copy of the order or complaint, which shall specify the provision of sections 644.006 to 644.141 or the standard, rule, limitation, or regulation adopted pursuant thereto, or the condition of the permit of which the person is alleged to be in violation, and a statement of the manner in which and the extent to which the person is alleged to violate sections 644.006 to 644.141 or the standard, rule, limitation, or regulation, or condition of the permit. In any case involving a complaint, the commission shall require the person complained against to answer the charges of the formal complaint at a hearing before the commission at a time not less than thirty days after the date of notice. Service may be made upon any person within or without the state by registered mail, return receipt requested. Any person against whom the [executive secretary] **director** issues an order may appeal the order to the

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commission within thirty days and the appeal shall stay the enforcement of the order until final determination by the commission. The commission shall set appeals for a hearing at a time not less than thirty days after the date of the request. The commission may sustain, reverse, or modify the [executive secretary's] **director's** order or may make such other orders as the commission deems appropriate under the circumstances. If any order issued by the [executive secretary] **director** is not appealed within the time [herein] provided **in this section**, the order becomes final and may be enforced as provided in section 644.076.

4. Permits [issued hereunder] may be terminated or modified if obtained in violation of sections 644.006 to 644.141 or by misrepresentation or failing to fully disclose all relevant facts, or when required to prevent violations of any provision of sections 644.006 to 644.141, or to protect the waters of this state, when such action is required by a change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge, subject to the right of appeal contained in this section.

5. When the commission schedules a matter for hearing, the petitioner on appeal or the respondent to a formal complaint may appear at the hearing in person or by counsel, and may make oral argument, offer testimony and evidence, and cross-examine witnesses.

6. After due consideration of the record, or upon default in appearance of the respondent on the return day specified in the notice given as provided in subsection 3, the commission shall issue and enter such final order, or make such final determination as it deems appropriate under the circumstances, and it shall immediately notify the petitioner or respondent thereof in writing by certified or registered mail.

**644.061. VARIANCES, WHEN ALLOWED — PETITION, FEE — VARIANCE REVOKED, WHEN — JUDICIAL REVIEW, HOW.** — 1. Unless prohibited by any federal water pollution control act, or if an application does not require a permit [under] **pursuant to** any federal water pollution control act, the commission may grant individual variances beyond the limitations prescribed in sections 644.006 to 644.141 whenever it is found, upon presentation of adequate proof, that compliance with any provisions of sections 644.006 to 644.141 or rule or regulation, standard, requirement, limitation, or order of the commission or [executive secretary] **director** adopted pursuant thereto will result in an arbitrary and unreasonable taking of property or in the practical closing and

elimination of any lawful business, occupation or activity, in either case, without sufficient corresponding benefit or advantage to the people; but no variance shall be granted where the effect of a variance will permit the continuance of a condition which may unreasonably cause or contribute to adverse health effects upon humans or upon fish or other aquatic life or upon game or other wildlife, and any variance so granted shall not be so construed as to relieve the person who receives the variance from any liability imposed by other law for the commission or maintenance of a nuisance.

2. In determining under what conditions and to what extent a variance may be granted, the commission shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to those affected by water contaminants emitted by the applicant.

3. Variances shall be granted for such period of time and under such terms and conditions as shall be specified by the commission in its order. The variance may be extended by affirmative action of the commission. In no event shall the variance be granted for a period of time greater than is reasonably necessary for complying with sections 644.006 to 644.141 or any standard, rule or regulation promulgated [hereunder] **pursuant to sections 644.006 to 644.141.**

4. Any person seeking a variance shall file a petition for variance with the [executive secretary] **director**. There shall be a [twenty-five] **two hundred fifty** dollar filing fee payable to the state of Missouri with each [application before a variance is granted] **petition for variance**. The [executive secretary] **director** shall promptly investigate the application and make a recommendation to the commission within sixty days after the application is received as to whether the variance should be granted or denied. The [executive secretary] **director** shall promptly notify the petitioner of his **or her** action and at the same time shall send notice to those persons registered with the [executive secretary] **director** pursuant to section 644.036 who reside in the county where the water contaminant or point source is located.

5. If the recommendation of the [executive secretary] **director** is to deny the variance, a hearing as provided in section 644.066 shall be held by the commission if requested by the petitioner within thirty days of the date of notice of the recommendation of the [executive secretary] **director**. If the recommendation of the [executive secretary] **director** is for the granting of the variance, the commission may grant the variance without a hearing, or, if not, shall set the matter for a hearing. If the

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commission grants the variance without a hearing the matter shall be passed upon at a public meeting no sooner than thirty days from the date of notice of the recommendation of the [executive secretary] **director**, except that upon petition, filed within thirty days from the date of notice, of any person aggrieved by the granting of the variance, a hearing shall be held and such petitioner shall become a party to the proceeding. In any hearing [under] **pursuant to** this section the burden of proof shall be on the person petitioning for a variance.

6. The commission may require the filing of a bond as a condition for the issuance of a variance in an amount determined by the commission to be sufficient to insure compliance with the terms and conditions of the variance. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the variance are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

7. Upon failure to comply with the terms and conditions of any variance as specified by the commission, the variance may be revoked or modified or the bond may be revoked, or both, by the commission after a hearing held upon not less than thirty days' written notice. Notice shall be served upon all persons who will be subjected to greater restrictions if the variance is revoked or modified, or who have filed with the [executive secretary] **director** a written request for notification.

8. Any decision of the commission made pursuant to a hearing held [under] **pursuant to** this section is subject to judicial review as provided in section 644.071.

**644.066. PUBLIC HEARINGS, HOW CONDUCTED — TRANSCRIPTS AVAILABLE — DISCOVERY PROCEEDINGS — HEARINGS BEFORE SINGLE COMMISSIONER, WHEN — FINAL ORDERS, HOW APPROVED.** — 1. At any public hearing all testimony taken before the commission shall be under oath and recorded stenographically. The transcript so recorded shall be made available to any member of the public or to the respondent or party to a hearing on a complaint, or any party to a hearing on a petition for variance, or appealing any order or determination of the [executive secretary] **director** upon payment of the usual charge therefor.

2. In any such hearing, any member of the commission or the hearing officer shall issue in the name of the commission notice of hearing and subpoenas. Subpoenas shall be issued and enforced as provided in

section 536.077, RSMo. The rules of discovery that apply in any civil case apply to hearings held by the commission.

3. (1) All hearings to promulgate standards, rules, limitations, and regulations and to establish areas of the state shall be held before at least four members of the commission;

(2) All other hearings may be held before one commission member designated by the commission chairman or by a hearing officer who shall be a member of the Missouri bar and shall be appointed by the commission chairman. The hearing officer or commission member shall preside at the hearing and hear all evidence and rule on the admissibility of evidence. The hearing officer or commission member shall make recommended findings of fact and may make recommended conclusions of law to the commission;

(3) All final orders or determinations or other final actions by the commission shall be approved in writing by at least four members of the commission. Any commission member approving in writing any final order or determination or other final action, who did not attend the hearing, shall do so only after reviewing all exhibits and reading the entire transcript.

**644.071. JUDICIAL REVIEW AUTHORIZED.**— 1. All final orders or determinations of the commission or the [executive secretary] **director** made pursuant to the provisions of sections 644.006 to 644.141 are subject to judicial review pursuant to the provisions of chapter 536, RSMo. No judicial review shall be available, however, unless and until all administrative remedies are exhausted.

2. In any suit filed pursuant to section 536.050, RSMo, concerning the validity of the commission's standards, rules and regulations, the court shall review the record made before the commission to determine the validity and reasonableness of such standards, rules, limitations, and regulations and may hear such additional evidence as it deems necessary.

**644.076. UNLAWFUL ACTS PROHIBITED — FALSE STATEMENTS AND NEGLIGENT ACTS PROHIBITED — PENALTY — EXCEPTION.**— 1. It is unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of sections 644.006 to 644.141, or any standard, rule or regulation promulgated by the commission. In the event the commission or [its executive secretary] **the director** determines that any provision of sections 644.006 to 644.141 or standard, rules, limitations or

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regulations promulgated pursuant thereto, or permits issued by, or any final abatement order, other order, or determination made by the commission or the [executive secretary] **director**, or any filing requirement [under] **pursuant to** sections 644.006 to 644.141 or any other provision which this state is required to enforce [under] **pursuant to** any federal water pollution control act, is being, was, or is in imminent danger of being violated, the commission or [executive secretary] **director** may cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violation or further violation or for the assessment of a penalty not to exceed ten thousand dollars per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. A civil monetary penalty [under] **pursuant to** this section shall not be assessed for a violation where an administrative penalty was assessed [under] **pursuant to** section 644.079. The commission or the [executive secretary] **director** may request either the attorney general or a prosecuting attorney to bring any action authorized in this section in the name of the people of the state of Missouri. Suit may be brought in any county where the defendant's principal place of business is located or where the water contaminant or point source is located or was located at the time the violation occurred. Any offer of settlement to resolve a civil penalty [under] **pursuant to** this section shall be in writing, shall state that an action for imposition of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing the department [under authority of] **pursuant to** this section, and shall identify any dollar amount as an offer of settlement which shall be negotiated in good faith through conference, conciliation and persuasion.

2. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained [under] **pursuant to** sections 644.006 to 644.141 or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained [under] **pursuant to** sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months, or by both.

3. Any person who willfully or negligently commits any violation set forth [under] **pursuant to** subsection 1 of this section shall, upon conviction, be punished by a fine of not less than twenty-five hundred dollars nor more than twenty-five thousand dollars per day of violation, or by imprisonment for not more than one year, or both. Second and

successive convictions for violation of the same provision [hereunder] **of this section** by any person shall be punished by a fine of not more than fifty thousand dollars per day of violation, or by imprisonment for not more than two years, or both.

4. The liabilities which shall be imposed pursuant to any provision of sections 644.006 to 644.141 upon persons violating the provisions of sections 644.006 to 644.141 or any standard, rule, limitation, or regulation adopted pursuant thereto shall not be imposed due to any violation caused by an act of God, war, strike, riot, or other catastrophe.

**644.101. CERTAIN DRINKING WATER AND WATER POLLUTION PROJECTS, STATE MAY PROVIDE ASSISTANCE.**—The state may provide assistance, as funds are available, pursuant to this chapter, to any county, municipality, public water district, public sewer district, or any combination of the same, **or any entity eligible pursuant to the Safe Drinking Water Act, as amended, or the Clean Water Act, as amended,** to assist them in the construction of public drinking water and water pollution control projects as authorized by the clean water commission. The state may provide assistance pursuant to this chapter, including but not limited to the purchase of water and/or wastewater revenue or general obligation bonds, bonds of any county, instrumentality of the state, state entity, municipality, public sewer district, public water district, community water system, nonprofit noncommunity water system or any combination of the same, **or any entity eligible pursuant to the Safe Drinking Water Act, as amended, or the Clean Water Act, as amended.**

**644.122. WATER AND WASTEWATER LOAN FUND ESTABLISHED — USE OF FUNDS — DEPOSITS, DISBURSEMENTS — EXEMPT FROM TRANSFER TO GENERAL REVENUE.**— 1. There is hereby created in the state treasury for use of the department a fund to be known as "The Water and Wastewater Loan Fund". All moneys received by the department for activities authorized in subdivisions (1), (3), (4), (5), and (6) of subsection 2 of this section shall be deposited in the fund for the use of the commission. Moneys received for the drinking water state revolving fund shall be used for the purposes identified in the federal Safe Drinking Water Act as amended and shall be accounted for separately.

2. The commission is hereby authorized to expend or use moneys deposited in the water and wastewater loan fund, upon appropriation by

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the general assembly to the department, for one or more of the following purposes as the same relate to the construction of public drinking water and water pollution control projects as authorized by the commission pursuant to this chapter:

- (1) To make loans to any county, instrumentality of the state, municipality, public water district, public sewer district, community water system, nonprofit noncommunity water system or any combination of the same, **or any entity eligible pursuant to the Safe Drinking Water Act, as amended, or the Clean Water Act, as amended;**
- (2) For the costs of administering programs and projects financed, in part, by the water and wastewater loan fund;
- (3) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds or notes issued by the state or any agency or instrumentality thereof;
- (4) To buy or refinance the debt obligation of any county, instrumentality of the state, municipality, public water district, public sewer district, community water system, nonprofit noncommunity water system, or any combination of the same;
- (5) To guarantee, or purchase insurance for, notes or obligations of any county, instrumentality of the state, municipality, public water district, public sewer district, community water system, nonprofit noncommunity water system or any combination of the same, where such action would improve credit market access or reduce interest rates;
- (6) To provide loan guarantees for similar revolving funds established by any county, instrumentality of the state, municipality, public water district, public sewer district, or any combination of the same; and
- (7) To earn interest on the water and wastewater loan fund accounts.

3. The unexpended balance in the water and wastewater loan fund at the end of the biennium shall not be transferred to the ordinary revenue fund of the state treasury and accordingly shall be exempt from the provisions of section 33.080, RSMo, relating to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

4. For purposes of this section, public drinking water and water pollution control projects shall include, but not be limited to, the planning, design, and construction of water or wastewater facilities, or both, and the planning, design, and construction of nonpoint source control facilities identified in a nonpoint source control plan prepared by the department of natural resources.

**644.572. COMMISSIONERS AUTHORIZED TO BORROW ADDITIONAL \$10,000,000 FOR IMPROVEMENTS.**— In addition to those sums authorized prior to August 28, 2000, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and this chapter.

**644.574. COMMISSIONERS MAY BORROW ADDITIONAL \$20,000,000 FOR RURAL WATER AND SEWER GRANTS AND LOANS.**— In addition to those sums authorized prior to August 28, 2000, the board of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of twenty million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

**644.576. COMMISSIONERS MAY BORROW ADDITIONAL \$40,000,000 FOR GRANTS AND LOANS TO STORM WATER CONTROL PLANS.**— In addition to those sums authorized prior to August 28, 2000, the board of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of forty million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

**SECTION B. ENACTING CLAUSE.**—Section 278.130, RSMo 1994, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 65 of the first regular session of the eighty-eighth general assembly, are repealed and three new sections enacted in lieu thereof, to be known as sections 278.080, 278.130 and 278.135, to read as follows:

**278.080. ESTABLISHING COMMISSION — MEMBERS — POWERS AND DUTIES — RULEMAKING.**— **1.** There is hereby established "The State Soil and Water Districts Commission" to administer for this state the soil and water conservation districts provided for by sections 278.060 to 278.300. The state soil and water districts

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commission shall formulate policies and general programs for the saving of Missouri soil and water by the soil and water conservation districts, and shall give consideration to the districts' needs based on their character; it shall receive and allocate or otherwise expend for the use or benefit of the soil and water conservation districts any funds appropriated by the general assembly for the use or benefit of such districts, including a soil and water conservation cost-share program; it shall receive and properly convey to the soil and water conservation districts any other form of aid extended to such districts by any other agency of this state, except that any money or other form of aid raised or provided within a soil and water district for the use or benefit of that soil and water district shall be received and administered by the governing body of that soil and water district; it shall exercise other authority conferred upon it and perform other duties assigned to it by sections 278.060 to 278.300; and shall be the administrative agency to represent this state in these and all other matters arising from the provisions of sections 278.060 to 278.300.

2. The state soil and water districts commission shall be composed of four ex officio members and six farmer members. The six farmer members shall be appointed by the governor of Missouri with the advice and consent of the senate. Three of the farmer members shall reside in the portion of this state which is north of the Missouri River and three of the farmer members shall reside in the portion of this state which is south of the Missouri River. The membership shall be geographically dispersed with no more than one of the farmer members appointed from a state senatorial district. Not more than four of the farmer members shall be from the same political party. The ex officio members shall be the director of the department of natural resources, the director of the department of agriculture, the director of the department of conservation, and the dean of the college of agriculture of the University of Missouri. Each of the six farmer members shall be holding legal title to a farm, and shall be earning at least the principal part of the member's livelihood from a farm, all at the time of appointment to the commission. The farmer members shall each be appointed for a period of three years. All members of the commission serving as of the effective date of this act may continue to serve the unexpired portion of the member's current term. There is no limitation on the number of terms that any of the farmer

members appointed by the governor may serve. If any farmer member vacates his or her term for any reason prior to the expiration of such term, the governor may appoint a farmer member to serve for the remainder of the unexpired term. Each member of the commission shall continue to serve until the member's successor has been duly appointed and qualified.

3. The state soil and water districts commission may call upon the attorney general of the state for such legal services as it may require.

4. At its first meeting in each calendar year, the state soil and water districts commission shall select from its current members a chairman and a vice chairman. The ex officio members shall not have the power to vote on any matter before the commission. A quorum shall consist of four farmer members. For the determination of any matter within the commission's authority, at a meeting comprised of four farmer members, a concurrence of three shall be required. No business of the commission shall be executed in absence of a quorum. Each farmer member of the soil and water commission shall be entitled to expenses, including travel expenses, necessarily incurred in the discharge of his or her duties as a member of this commission. The state soil and water districts commission shall provide for the execution of surety bonds for all of its employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all its proceedings and of all its resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of all its accounts of receipts and disbursements.

5. In addition to the authority and duty herein assigned to the state soil and water districts commission, it shall have the following authority and duty:

(1) To encourage the formation of soil and water conservation districts in areas where their establishment seems necessary and their administration seems feasible;

(2) To formulate and fix the rules and procedures for fair and impartial referendums on the establishing or disestablishment of soil and water districts and for fair and impartial selection of soil and water district supervisors;

(3) To receive petitions for the establishing of soil and water conservation districts as provided in section 278.100; to determine the validity of these petitions; to conduct hearings upon the subject

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of these petitions; to determine whether the establishment of a soil and water district as petitioned would be effective in the saving of soil and water within the proposed area, and whether a soil and water district if established could be feasibly administered; and, upon reaching a favorable conclusion on these matters, to call for a referendum on the establishing of the soil and water district as petitioned;

(4) To advise any soil and water conservation district in developing its program for saving the soil and water in order that such district may become eligible for any form of aid from state or federal sources;

(5) Subject to district allocations by the commission and other resources, to provide training, programs and other assistance to soil and water conservation districts to identify programs that respond to the character of the districts' needs;

(6) To obtain or accept the cooperation and financial, technical or material assistance of the United States or any of its agencies, and of this state or any of its agencies, for the work of such soil and water districts;

(7) To enter into agreements with the United States or any of its agencies on policies and general programs for the saving of Missouri soil and water by the extension of federal aid to any soil and water conservation district; to advise any soil and water conservation district; to advise any soil and water conservation district on the amount or kind of federal aid needed for the effective saving of soil and water in that district; to determine within the limits of available funds or other resources the amount or kind of state aid to be used for saving of soil and water in any soil and water conservation district; and to determine the withholding of state aid of any amount or kind from any soil and water conservation district that has failed to follow the policies of the state soil and water districts commission in any matter under the provisions of sections 278.060 to 278.300;

(8) To give such other proper assistance as the soil and water commission may judge to be useful to any soil and water district in the saving of soil and water in that district;

(9) To promulgate such rules and regulations as may be necessary to effectively administer a state-funded soil and water conservation cost-share program. Any rule or portion of a rule promulgated under the authority of sections 278.060 to 278.300 shall

**become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

**[278.080. ESTABLISHING COMMISSION — MEMBERS — POWERS AND DUTIES — RULEMAKING.—** 1. There is hereby established "The State Soil and Water Districts Commission" to administer for this state the soil and water conservation districts provided for by sections 278.060 to 278.300. The state soil and water commission shall formulate policies and general programs for the saving of Missouri soil and water by the soil and water conservation districts; it shall receive and allocate or otherwise expend for the use or benefit of the soil and water conservation districts any funds appropriated by the legislature of this state for the use or benefit of such districts, including a soil and water conservation cost-share program; it shall receive and properly convey to the soil and water conservation districts any other form of aid extended to such districts by any other agency of this state, except that any money or other form of aid raised or provided within a soil and water district for the use or benefit of that soil and water district shall be received and administered by the governing body of that soil and water district; it shall exercise other authority conferred upon it and perform other duties assigned to it by sections 278.060 to 278.300; and shall be the administrative agency to represent this state in these and all other matters arising from the provisions of sections 278.060 to 278.300.

2. The state soil and water districts commission shall be composed of three ex officio members and five farmer members, the latter five to be appointed by the governor of Missouri with the advice and consent of the senate. Three of the farmer members shall reside in the portion of this state which is north of the Missouri River and two of the farmer members shall reside in the portion of this state which is south of the Missouri River. Not more than one of the farmer members shall be appointed from a state senatorial district. Not more than three of the farmer members shall be from the same political party. The ex officio members shall be the director of the department of natural resources, the director of the department of agriculture, and the dean of the college of agriculture of the University of Missouri. Each of the five farmer members shall be holding legal title to a farm, and shall be earning at least the principal part of his livelihood from a farm, all at the time of his appointment to the soil and water commission. The farmer members shall each be appointed for a period of three years; except that of the first five appointed one shall be appointed for a term of one year, two shall be

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appointed for a term of two years, and two shall be appointed for a term of three years, as designated by the governor at the time of appointment. The first board to be appointed under this subsection shall be appointed no later than ninety days after August 13, 1986. All members of the board serving on August 13, 1986, shall continue to serve until their successors are duly appointed and qualified. There is no limitation on the number of terms which any of the farmer members appointed by the governor may serve. If any farmer member vacates his term for any reason prior to the expiration of such term, the governor may appoint a farmer member to serve for the remainder of the unexpired term.

3. The state soil and water districts commission may call upon the attorney general of the state for such legal services as it may require.

4. At its first meeting in each calendar year, the state soil and water districts commission shall select from its current members a chairman and a vice chairman. A majority of this commission shall constitute a quorum, but the concurrence of a majority of the whole commission shall be required for the determination of any matter within their duties. Each farmer member of the soil and water commission shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of his duties as a member of this commission. The state soil and water districts commission shall provide for the execution of surety bonds for all of its employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all its proceedings and of all its resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of all its accounts of receipts and disbursements.

5. In addition to the authority and duty herein assigned to the state soil and water districts commission, it shall have the following authority and duty:

(1) To encourage the formation of soil and water conservation districts in areas where their establishment seems necessary and their administration seems feasible;

(2) To formulate and fix the rules and procedures for fair and impartial referendums on the establishing or disestablishment of soil and water districts and for fair and impartial selection of soil and water district supervisors;

(3) To receive petitions for the establishing of soil and water conservation districts as provided in section 278.100; to determine the validity of these petitions; to conduct hearings upon the subject of these petitions; to determine whether the establishment of a soil and water

district as petitioned would be effective in the saving of soil and water within the proposed area, and whether a soil and water district if established could be feasibly administered; and, upon reaching a favorable conclusion on these matters, to call for a referendum on the establishing of the soil and water district as petitioned;

(4) To advise any soil and water conservation district in developing its program for saving the soil and water in order that such district may become eligible for any form of aid from state or federal sources;

(5) To obtain or accept the cooperation and financial, technical or material assistance of the United States or any of its agencies, and of this state or any of its agencies, for the work of such soil and water districts;

(6) To enter into agreements with the United States or any of its agencies on policies and general programs for the saving of Missouri soil and water by the extension of federal aid to any soil and water conservation district; to advise any soil and water conservation district; to advise any soil and water conservation district on the amount or kind of federal aid needed for the effective saving of soil and water in that district; to determine within the limits of available funds or other resources the amount or kind of state aid to be used for saving of soil and water in any soil and water conservation district; and to determine the withholding of state aid of any amount or kind from any soil and water conservation district which has failed to follow the policies of the state soil and water districts commission in any matter under the provisions of sections 278.060 to 278.300;

(7) To give such other proper assistance as the soil and water commission may judge to be useful to any soil and water district in the saving of soil and water in that district;

(8) To promulgate such rules and regulations and administrative guidelines as necessary to effectively administer a state-funded soil and water conservation cost-share program. No rule or portion of a rule promulgated under the authority of sections 278.060 to 278.300 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

**[278.080. ESTABLISHING COMMISSION — MEMBERS — POWERS AND DUTIES — RULEMAKING. — 1.** There is hereby established "The State Soil and Water Districts Commission" to administer for this state the soil and water conservation districts provided for by sections 278.060 to 278.300. The state soil and water commission shall formulate policies and general programs for the saving of Missouri soil and water by the

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soil and water conservation districts; it shall receive and allocate or otherwise expend for the use or benefit of the soil and water conservation districts any funds appropriated by the legislature of this state for the use or benefit of such districts, including a soil and water conservation cost-share program; it shall receive and properly convey to the soil and water conservation districts any other form of aid extended to such districts by any other agency of this state, except that any money or other form of aid raised or provided within a soil and water district for the use or benefit of that soil and water district shall be received and administered by the governing body of that soil and water district; it shall exercise other authority conferred upon it and perform other duties assigned to it by sections 278.060 to 278.300; and shall be the administrative agency to represent this state in these and all other matters arising from the provisions of sections 278.060 to 278.300.

2. The state soil and water districts commission shall be composed of three ex officio members and six farmer members. The six farmer members shall be appointed by the governor of Missouri with the advice and consent of the senate. Three of the farmer members shall reside in the portion of this state which is north of the Missouri River and three of the farmer members shall reside in the portion of this state which is south of the Missouri River. Not more than one of the farmer members shall be appointed from a state senatorial district. Not more than four of the farmer members shall be from the same political party. The ex officio members shall be the director of the department of natural resources, the director of the department of agriculture, and the dean of the college of agriculture of the University of Missouri. Each of the six farmer members shall be holding legal title to a farm, and shall be earning at least the principal part of his livelihood from a farm, all at the time of his appointment to the soil and water commission. The farmer members shall each be appointed for a period of three years; except that of the first five appointed one shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years, as designated by the governor at the time of appointment. The first board to be appointed under this subsection shall be appointed no later than ninety days after August 13, 1986. All members of the board serving on August 13, 1986, shall continue to serve until their successors are duly appointed and qualified. There is no limitation on the number of terms which any of the farmer members appointed by the governor may serve. If any farmer member vacates his term for any

reason prior to the expiration of such term, the governor may appoint a farmer member to serve for the remainder of the unexpired term.

3. The state soil and water districts commission may call upon the attorney general of the state for such legal services as it may require.

4. At its first meeting in each calendar year, the state soil and water districts commission shall select from its current members a chairman and a vice chairman. The chairman shall serve in a nonvoting capacity, unless the votes cast by the commission are equally divided, in which case the chairman shall cast the deciding vote. A majority of this commission shall constitute a quorum, but the concurrence of a majority of the whole commission shall be required for the determination of any matter within their duties. Each farmer member of the soil and water commission shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of his duties as a member of this commission. The state soil and water districts commission shall provide for the execution of surety bonds for all of its employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all its proceedings and of all its resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of all its accounts of receipts and disbursements.

5. In addition to the authority and duty herein assigned to the state soil and water districts commission, it shall have the following authority and duty:

(1) To encourage the formation of soil and water conservation districts in areas where their establishment seems necessary and their administration seems feasible;

(2) To formulate and fix the rules and procedures for fair and impartial referendums on the establishing or disestablishment of soil and water districts and for fair and impartial selection of soil and water district supervisors;

(3) To receive petitions for the establishing of soil and water conservation districts as provided in section 278.100; to determine the validity of these petitions; to conduct hearings upon the subject of these petitions; to determine whether the establishment of a soil and water district as petitioned would be effective in the saving of soil and water within the proposed area, and whether a soil and water district if established could be feasibly administered; and, upon reaching a favorable conclusion on these matters, to call for a referendum on the establishing of the soil and water district as petitioned;

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(4) To advise any soil and water conservation district in developing its program for saving the soil and water in order that such district may become eligible for any form of aid from state or federal sources;

(5) To obtain or accept the cooperation and financial, technical or material assistance of the United States or any of its agencies, and of this state or any of its agencies, for the work of such soil and water districts;

(6) To enter into agreements with the United States or any of its agencies on policies and general programs for the saving of Missouri soil and water by the extension of federal aid to any soil and water conservation district; to advise any soil and water conservation district; to advise any soil and water conservation district on the amount or kind of federal aid needed for the effective saving of soil and water in that district; to determine within the limits of available funds or other resources the amount or kind of state aid to be used for saving of soil and water in any soil and water conservation district; and to determine the withholding of state aid of any amount or kind from any soil and water conservation district which has failed to follow the policies of the state soil and water districts commission in any matter under the provisions of sections 278.060 to 278.300;

(7) To give such other proper assistance as the soil and water commission may judge to be useful to any soil and water district in the saving of soil and water in that district;

(8) To promulgate such rules and regulations and administrative guidelines as necessary to effectively administer a state-funded soil and water conservation cost-share program.

6. No rule or portion of a rule promulgated under the authority of this chapter shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided herein, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided herein.

7. Upon filing any proposed rule with the secretary of state the filing agency shall concurrently submit such proposed rule to the committee which may hold hearings upon any proposed rule or portion thereof at any time.

8. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more

hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the filing agency may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

9. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

10. If the committee disapproves any rule or portion thereof, the filing agency shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

11. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

12. Upon adoption of a rule as provided herein, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV, of the constitution, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.]

**278.130. SOIL AND WATER SUPERVISORS — LIMITATION OF POWERS.**— 1. The soil and water supervisors of any soil and water district shall not

- (1) Have or exercise the right of eminent domain;
  - (2) Incur indebtedness beyond available funds;
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- (3) Issue bonds;
  - (4) Levy taxes;
  - (5) Make or levy benefit assessments or any other kind of assessments;
  - (6) Take contributions from that soil and water district by exactions or persuasions;
  - (7) Engage in the marketing of farm products or in the buying and selling of farm supplies other than those products or supplies used or needed directly or indirectly in soil and water conservation work, **subject to section 278.135;**
  - (8) Engage in agricultural research or agricultural extension teaching except under the instruction of the Missouri college of agriculture.
2. They may accept voluntary contributions from any source, if the donations are offered for the sole and exclusive purpose of promoting the saving of soil and water within the soil and water district, and if the soil and water supervisors satisfactorily guarantee to the donors the faithful use of their donations for that purpose.

**278.135. DISTRICTS ENGAGING IN SOIL CONSERVATION PRODUCTS BUSINESS, APPROVAL OF STATE SOIL AND WATER COMMISSION REQUIRED — COMPLAINT PROCEDURES — RULEMAKING AUTHORITY.**

**—1. Any soil and water conservation district engaged in the marketing or buying and selling of farm products used directly or indirectly in soil conservation shall be required to obtain approval from the state soil and water districts commission to continue such activity if the commission receives written complaints from three or more business entities. Upon request from any person, all soil and water conservation districts shall provide information on the complaint procedure provided for in this section, including information on how to contact the state soil and water districts commission.**

**2. The commission shall notify the district upon receiving complaints from three or more business entities pursuant to subsection 1 of this section, and request that the district provide information to the commission on the marketing, buying, and selling activity within sixty days. The commission shall consider information provided by the district and any written comments from concerned citizens and businesses in making its determination. The commission shall grant approval only upon finding that the products being marketed, bought, and sold are:**

- (1) Reasonably related to soil and water conservation; and
- (2) Not readily available in the area.

If the commission grants approval to a district, no complaints about the marketing, buying, or selling activities of such district shall be accepted by the commission from any business entity for a period of one year after the date of approval, and no such complaints shall be accepted by the commission from the same business entities that initiated the approval procedure pursuant to this section for a period of three years after the date of approval.

3. The commission shall enact rules to allow districts with a pending approval request, or districts that have had their approval denied, to sell any existing inventory of products within a reasonable time. This subsection shall not be interpreted to allow any district with a pending approval request to restock or replenish its inventory until such district has received approval from the commission.

4. The commission is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

Approved June 27, 2000

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SB 757 [HS HCS SS#2 SCS SB 757 & 602]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Revises various child protection laws.**

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AN ACT to repeal sections 210.110, 210.145, 210.152, 210.192, 210.195, 491.074, 566.010, 566.025, 566.067, 566.068, 568.110, 569.093, 573.010, 573.020, 573.025, 573.030, 573.035, 573.037, 573.040 and 660.520, RSMo 1994, and sections 210.001, 210.109, 210.115, 210.150, 453.005, 559.115, 589.400, 589.410, 589.414 and 589.425, RSMo Supp. 1999, and to enact in lieu thereof thirty- six new sections relating to the protection of children, with penalty provisions.

SECTION

- A. Enacting clause.
- 210.001. Department of social services to meet needs of homeless, dependent and neglected children — only certain regional child assessment centers funded.
- 210.109. Child protection system established by division of family services, system protocol, priority well-being and safety of child, duties, records, investigations or assessments and services — central registry maintained — documentation to be submitted on effectiveness of system, when, to whom — independent evaluation required.
- 210.110. Definitions.
- 210.115. Reports of abuse, neglect, and under age eighteen deaths — persons required to report — deaths required to be reported to the division of child fatality review panel, when — report made to another state, when.
- 210.145. Telephone hot line for reports on child abuse — division of family services, duties, protocols, law enforcement contacted immediately, investigation within twenty-four hours, exception — chief investigator named — admissibility of reports in custody cases.
- 210.150. Confidentiality of reports and records, exceptions — violations, penalty.
- 210.152. Reports of abuse or neglect — division to retain certain information — confidential, released only to authorized persons — report removal, when — notice of agency's determination to retain or remove, sent when — administrative review of determination — de novo judicial review.
- 210.192. Child fatality review panel to investigate deaths — qualifications — prosecutors and circuit attorneys to organize — report on investigations — immunity from civil liability — program for prevention.
- 210.195. State technical assistance team, duties — regional coordinators, appointment, duties — state child fatality review panel, appointment, duties, findings and recommendations, content.
- 431.056. Minor's ability to contract for certain purposes — conditions.
- 453.005. Construction of sections 453.010 to 453.400 — ethnic and racial diversity considerations.
- 453.011. Expediting termination of parental rights and contested adoption cases.
- 491.074. Prior inconsistent statement may be admissible in criminal cases as substantive evidence.
- 556.063. Definitions.
- 559.115. Appeals, probation not to be granted, when — delivery to department of corrections, time limitation, assessment — notification to state, hearing — no probation in certain cases.
- 566.010. Chapter 566 and chapter 568 definitions.
- 566.025. Evidence that defendant has committed other charged and uncharged crimes of a sexual nature involving victims under fourteen admissible to prove propensity to commit crime, when.
- 566.067. Child molestation, first degree, penalties.
- 566.068. Child molestation, second degree, penalties.
- 568.052. Leaving a child unattended in a motor vehicle, penalties.
- 568.065. Genital mutilation, penalty — affirmative defenses.
- 568.110. Professional's duty to report on film, photographs, videotapes, failure to report, penalty — exceptions.
- 569.093. Definitions.

- 573.010. Definitions.
- 573.020. Promoting obscenity in the first degree.
- 573.023. Sexual exploitation of a minor, penalty.
- 573.025. Promoting child pornography in the first degree.
- 573.030. Promoting obscenity in the second degree.
- 573.035. Promoting child pornography in the second degree.
- 573.037. Possession of child pornography.
- 573.040. Furnishing pornographic materials to minors.
- 589.400. Registration of certain offenders with chief law officers of county of residence — time limitation — cities may request copy of registration.
- 589.410. Highway patrol to be notified, information to be made a part of MULES.
- 589.414. Registrant's duties on change of address — time limitations for certain notifications.
- 589.425. Failure to register, penalty — subsequent violations, penalty.
- 660.520. State technical assistance team for child sexual abuse cases, duties — counties may develop team, members — division of family services, duties — availability of records.
  - 1. Pilot project by department to formulate community response to child abuse and neglect.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Sections 210.110, 210.145, 210.152, 210.192, 210.195, 491.074, 566.010, 566.025, 566.067, 566.068, 568.110, 569.093, 573.010, 573.020, 573.025, 573.030, 573.035, 573.037, 573.040 and 660.520, RSMo 1994, and sections 210.001, 210.109, 210.115, 210.150, 453.005, 559.115, 589.400, 589.410, 589.414 and 589.425, RSMo Supp. 1999, are repealed and thirty-six new sections enacted in lieu thereof, to be known as sections 210.001, 210.109, 210.110, 210.115, 210.145, 210.150, 210.152, 210.192, 210.195, 431.056, 453.005, 453.011, 491.074, 556.063, 559.115, 566.010, 566.025, 566.067, 566.068, 568.052, 568.065, 568.110, 573.010, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 589.400, 589.410, 589.414, 589.425, 660.520 and 1, to read as follows:

**210.001. DEPARTMENT OF SOCIAL SERVICES TO MEET NEEDS OF HOMELESS, DEPENDENT AND NEGLECTED CHILDREN — ONLY CERTAIN REGIONAL CHILD ASSESSMENT CENTERS FUNDED.**— 1. The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the division of family services and to their families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Insuring that appropriate social services are provided to the family unit both prior to the removal of the child from the home and after family reunification;

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(3) Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.

2. The department of social services shall fund only regional child assessment centers known as:

- (1) The St. Louis city child assessment center;
- (2) The St. Louis County child assessment center;
- (3) The Jackson County child assessment center;
- (4) The Buchanan County child assessment center;
- (5) The Greene County child assessment center;
- (6) The Boone County child assessment center;
- (7) The Joplin child assessment center; [and]
- (8) The St. Charles County child assessment center;
- (9) The Jefferson County child assessment center; and**
- (10) The Pettis County child assessment center.**

**210.109. CHILD PROTECTION SYSTEM ESTABLISHED BY DIVISION OF FAMILY SERVICES, SYSTEM PROTOCOL, PRIORITY WELL-BEING AND SAFETY OF CHILD, DUTIES, RECORDS, INVESTIGATIONS OR ASSESSMENTS AND SERVICES — CENTRAL REGISTRY MAINTAINED — DOCUMENTATION TO BE SUBMITTED ON EFFECTIVENESS OF SYSTEM, WHEN, TO WHOM — INDEPENDENT EVALUATION REQUIRED.** — 1. The division of family services shall establish a child protection system for the entire state.

2. The child protection system shall seek to promote the safety of children and the integrity and preservation of their families by conducting investigations or family assessments **and providing services** in response to reports of child abuse or neglect. The system shall endeavor to coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect.

3. **In addition to any duties specified in section 210.145,** in implementing the child protection system, the division shall:

- (1) [Receive and maintain reports pursuant to the provisions of subsections 1 and 2 of section 210.145;
- (2) Forward the report to the appropriate division staff who shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by

the division shall give priority to ensuring the well-being and safety of the child. The division may investigate any report, but shall conduct an investigation involving reports, which if true, would constitute a violation of section 565.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or any other violation of chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a violation of section 567.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, a violation of section 573.025 or 573.035, RSMo, or an attempt to commit any such crimes;

(3) Communicate reports of child abuse or neglect to the appropriate local office, pursuant to the provisions of subsection 4 of section 210.145;

(4) Contact the appropriate law enforcement agency upon receipt of a report of a violation of section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or any other violation of chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a violation of section 567.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, a violation of section 573.025 or 573.035, RSMo, or an attempt to commit any such crimes, and shall provide such agency with a detailed description of the report received. The appropriate law enforcement agency shall assist the division in the investigation or provide the division, within a reasonable time, an explanation in writing detailing the reasons why it is unable to assist;

(5) Cause a thorough investigation or family assessment and services approach to be initiated within twenty-four hours of receipt of the report from the division, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation or family assessment and services approach shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation or family assessment and services approach shall include

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direct observation of the subject child within twenty-four hours of the receipt of the report;

(6) Investigate, if it is determined that an investigation is necessary, in compliance with the provisions of section 210.145;

(7) Assess, in cases where the family assessment and services approach is used, any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(8) Provide services, in cases in which the family assessment and services approach is used, which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(9) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(10) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed;

(11) Conduct a family assessment and services approach on reports initially referred for an investigation, if it is determined that a complete investigation is not required. If law enforcement officers are involved in the investigation, they shall provide written agreement with this decision. The reason for the termination of the investigative process shall be documented in the record;

(12) Assist the child and family in obtaining services, if at any time during the investigation it is determined that the child or any member of the family needs services;] **Maintain a central registry;**

**(2) Receive reports and establish and maintain an information system operating at all times, capable of receiving and maintaining reports;**

**(3) Attempt to obtain the name and address of any person making a report in all cases, after obtaining relevant information regarding the alleged abuse or neglect, although reports may be made anonymously;**

**(4) Upon receipt of a report, check with the information system to determine whether previous reports have been made regarding actual or suspected abuse or neglect of the subject child, of any siblings, and the perpetrator, and relevant dispositional information regarding such previous reports;**

**(5) Provide protective or preventive services to the family and child and to others in the home to prevent abuse or neglect, to safeguard their health and welfare, and to help preserve and stabilize the family whenever possible. The juvenile court shall cooperate with the division in providing such services;**

[(13)] **(6) Collaborate with the community to identify comprehensive local services and assure access to those services for children and families where there is risk of abuse or neglect;**

[(14)] **Contact the person who made the report under section 210.115, pursuant to the provisions of section 210.145;**

**(15) Forward any evidence of malice or harassment to the local prosecuting or circuit attorney as required by the provisions of section 210.145;**

**(16) Provide services as required by section 210.145;**

**(17) Use multidisciplinary services as required by section 210.145;**

**(18) Update the information in the information system within thirty days of an oral report of abuse or neglect. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation or family assessment and services approach, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations or family assessments within thirty days, unless good cause for the failure to complete the investigation or assessment is documented in the information system. If the investigation or family assessment is not completed within thirty days the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter;**

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(19)] (7) Maintain a record which contains the facts ascertained which support the determination as well as the facts that do not support the determination.

**As used in this subsection, "report" includes any telephone call made pursuant to section 210.145.**

4. By January 1, 1998, the division of family services shall submit documentation to the speaker of the house of representatives and the president pro tem of the senate on the success or failure of the child protection system established in this section. The general assembly may recommend statewide implementation or cancellation of the child protection system based on the success or failure of the system established in this section.

5. The documentation required by subsection 4 of this section shall include an independent evaluation of the child protection system completed according to accepted, objective research principles.

**210.110. DEFINITIONS.**—As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the following terms mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse;

(2) "Central registry", a registry of persons where the division has found probable cause to believe or a court has substantiated through court adjudication that the individual has committed child abuse or neglect or the person has pled guilty or has been found guilty of a crime [under] **pursuant to** section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or other crime [under] **pursuant to** chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025 or 573.035, RSMo, or an attempt to commit any such crimes;

(3) "Child", any person, regardless of physical or mental condition, under eighteen years of age;

(4) "Director", the director of the Missouri division of family services;

(5) "Division", the Missouri division of family services;

(6) "Family assessment and services", an approach to be developed by the division of family services which will provide for a prompt assessment of a child who has been reported to the division as a victim of abuse or neglect by a person responsible for that child's care, custody or control and of that child's family, including risk of abuse and neglect and, if necessary, the provision of community-based services to reduce the risk and support the family;

(7) "Investigation", the collection of physical and verbal evidence to determine if a child has been abused or neglected;

(8) **"Jail or detention center personnel", employees and volunteers working in any premises or institution where incarceration, evaluation, care, treatment or rehabilitation is provided to persons who are being held under custody of the law;**

(9) "Neglect", failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being;

[(9)] (10) "Probable cause", available facts when viewed in the light of surrounding circumstances which would cause a reasonable person to believe a child was abused or neglected;

[(10)] (11) "Report", the communication of an allegation of child abuse or neglect to the division pursuant to section 210.115;

[(11)] (12) "Those responsible for the care, custody, and control of the child", those included but not limited to the parents or guardian of a child, other members of the child's household, or those exercising supervision over a child for any part of a twenty-four-hour day. Those responsible for the care, custody and control shall also include any adult who, based on relationship to the parents of the child, members of the child's household or the family, has access to the child.

**210.115. REPORTS OF ABUSE, NEGLECT, AND UNDER AGE  
EIGHTEEN DEATHS — PERSONS REQUIRED TO REPORT — DEATHS  
REQUIRED TO BE REPORTED TO THE DIVISION OF CHILD FATALITY  
REVIEW PANEL, WHEN — REPORT MADE TO ANOTHER STATE, WHEN. —**

1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of

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persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, **jail or detention center personnel** teacher, principal or other school official, Christian Science practitioner, peace officer or law enforcement official, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report or cause a report to be made to the division in accordance with the provisions of sections 210.109 to 210.183. As used in this section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

2. Whenever such person is required to report pursuant to sections 210.109 to 210.183 in an official capacity as a staff member of a medical institution, school facility, or other agency, whether public or private, the person in charge or a designated agent shall be notified immediately. The person in charge or a designated agent shall then become responsible for immediately making or causing such report to be made to the division. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.

3. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

4. In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or

observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

5. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. **If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases,** the medical examiner or coroner shall accept the report for investigation, shall [in a timely manner] **immediately** notify the division of the child's death [pursuant to this] **as required in** section **58.452, RSMo**, and shall report the findings to the child fatality review panel established pursuant to section 210.192.

6. Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting or causing a report to be made to the division.

7. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri division of family services, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the Missouri division of family services.

**210.145. TELEPHONE HOT LINE FOR REPORTS ON CHILD ABUSE — DIVISION OF FAMILY SERVICES, DUTIES, PROTOCOLS, LAW ENFORCEMENT CONTACTED IMMEDIATELY, INVESTIGATION WITHIN TWENTY-FOUR HOURS, EXCEPTION — CHIEF INVESTIGATOR NAMED — ADMISSIBILITY OF REPORTS IN CUSTODY CASES.** — 1. The division shall establish and maintain an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free

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number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. [The division shall maintain a central registry.

3. Although reports may be made anonymously, the division shall in all cases, after obtaining relevant information regarding the alleged abuse or neglect, attempt to obtain the name and address of any person making a report.

4.] Upon receipt of a report, the division shall immediately communicate such report to its appropriate local office[, after a check has been made with the information system to determine whether previous reports have been made regarding actual or suspected abuse or neglect of the subject child, of any siblings, and the perpetrator, and relevant dispositional information regarding such previous reports. Such] **and any** relevant information as may be contained in the information system [shall be also reported to the local office of the division]. **The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.**

[5.] **3. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determines merits an investigation, or, which, if true, would constitute a suspected violation of any of the following:** section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or other crime under chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025 [or 573.035], **573.037 or 573.045**, RSMo, or an attempt to commit any such crimes[, the local office shall contact the appropriate law enforcement agency and]. **The local office shall** provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall **either** assist the division in the investigation or provide the

division, within [a reasonable time] **twenty-four hours**, an explanation in writing detailing the reasons why it is unable to assist.

[6.] **4.** The local office of the division shall cause [a thorough] **an investigation or family assessment and services approach** to be initiated immediately or no later than within twenty-four hours of receipt of the report from the division, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. **Local law enforcement shall take all necessary steps to facilitate such direct observation. When the child is reported absent from the residence, the location and the well being of the child shall be verified.**

**5.** The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The public school district liaison shall be designated by the superintendent of each school district. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation.

[7.] **6.** The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible [therefor] **for the abuse or neglect**; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

[8.] **7.** When a report has been made by a person required to report under section 210.115, the division shall contact the person who made

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such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

[9.] **8.** Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

[10. Protective or preventive social services shall be provided by the division to the family and subject child and to others in the home to prevent abuse or neglect, to safeguard their health and welfare, and to help preserve and stabilize the family whenever possible. The juvenile court shall cooperate with the division in providing such services.

11.] **9.** Multidisciplinary [services] **teams** shall be used whenever [possible in] conducting the investigation [and] **as determined by the division in conjunction with local law enforcement.**

**Multidisciplinary teams shall be used** in providing protective or preventive social services, including the services of law enforcement, **a liaison of the local public school**, the juvenile officer, the juvenile court, and other agencies, both public and private. [The division shall cooperate with law enforcement agencies and juvenile courts to develop training programs to increase the ability of division personnel, juvenile officers and law enforcement officers to investigate suspected cases of abuse and neglect. The division, with input from the department of health, shall assist in identifying pertinent training on child abuse and neglect in order for law enforcement to meet the requirements of section 590.105, RSMo.]

**10. If the appropriate local division personnel determines after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor present any investigation by law enforcement.**

**11. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:**

**(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;**

**(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;**

**(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;**

**(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.**

12. Within thirty days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within thirty days, unless good cause for the failure to complete the investigation is documented in the information system. If the investigation is not completed within thirty days, the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

13. [The division shall maintain a record which contains the facts ascertained which support the determination as well as the facts that do not support the determination.

14.] A person required to report under section 210.115 to the division shall be informed by the division of his right to obtain information concerning the disposition of his **or her** report. Such person shall receive, from the local office, if requested, information on the

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general disposition of his or her report. **A person required to report to the division pursuant to section 210.115 may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the mandated reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the mandated reporter within five days of the outcome of the investigation.**

[15.] **14.** In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However, nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made.

[16.] **15.** The division of family services is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo, to carry out the provisions of sections 210.109 to 210.183.

**16. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.**

**210.150. CONFIDENTIALITY OF REPORTS AND RECORDS, EXCEPTIONS — VIOLATIONS, PENALTY. — 1.** The division of family services shall ensure the confidentiality of all reports and records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local offices, the central registry, and other appropriate persons, officials, and institutions pursuant to sections 210.109 to 210.183. To protect the rights of the family and the child named in the report as a victim, the division of family services shall establish guidelines which will ensure that any disclosure of information concerning the abuse and neglect involving that child is made only to persons or agencies that have

a right to such information. The division may require persons to make written requests for access to records maintained by the division. The division shall only release information to persons who have a right to such information. The division shall notify persons receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the purpose for which the information is released and of the penalties for unauthorized dissemination of information. Such information shall be used only for the purpose for which the information is released.

2. Only the following persons shall have access to investigation records contained in the central registry:

(1) Appropriate federal, state or local criminal justice agency personnel, or any agent of such entity, with a need for such information under the law to protect children from abuse or neglect;

(2) A physician or a designated agent who reasonably believes that the child being examined may be abused or neglected;

(3) Appropriate staff of the division and of its local offices, including interdisciplinary teams which are formed to assist the division in investigation, evaluation and treatment of child abuse and neglect cases or a multidisciplinary provider of professional treatment services for a child referred to the provider;

(4) Any child named in the report as a victim, or a legal representative, or the parent, if not the alleged perpetrator, or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division of family services shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide a method for confirming or certifying that a designee is acting on behalf of a subject;

(5) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division of family services shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising

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out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or neglect or child protective proceedings, and other federal, state and local government entities, or any agent of such entity, with a need for such information in order to carry out its responsibilities under the law to protect children from abuse or neglect;

(7) Any person engaged in a bona fide research purpose, with the permission of the director; provided, however, that no information identifying the child named in the report as a victim or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the child named in the report as a victim or, if the child is less than eighteen years of age, through the child's parent, or guardian provides written permission;

(8) Any child-care facility; child-placing agency; residential-care facility, including group homes; juvenile courts; public or private elementary schools; public or private secondary schools; or any other public or private agency exercising temporary supervision over a child or providing or having care or custody of a child who may request an examination of the central registry from the division for all employees and volunteers or prospective employees and volunteers, who do or will provide services or care to children. Any agency or business recognized by the division of family services or business which provides training and places or recommends people for employment or for volunteers in positions where they will provide services or care to children may request the division to provide an examination of the central registry. Such agency or business shall provide verification of its status as a recognized agency. Requests for examinations shall be made to the division director or the director's designee in writing by the chief administrative officer of the above homes, centers, public and private elementary schools, public and private secondary schools, agencies, or courts. The division shall respond in writing to that officer. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect;

(9) Any parent or legal guardian who inquires about a child abuse or neglect report involving a specific person or child-care facility who does

or may provide services or care to a child of the person requesting the information. Request for examinations shall be made to the division director or the director's designee, in writing, by the parent or legal guardian of the child and shall be accompanied with a signed and notarized release form from the person who does or may provide care or services to the child. The notarized release form shall include the full name, date of birth and Social Security number of the person who does or may provide care or services to a child. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect. The response shall be given within ten working days of the time it was received by the division;

(10) Any person who inquires about a child abuse or neglect report involving a specific child care facility, child-placing agency, residential-care facility, public and private elementary schools, public and private secondary schools, juvenile court or other state agency. The information available to these persons is limited to the nature and disposition of any report contained in the central registry and shall not include any identifying information pertaining to any person mentioned in the report;

(11) Any state agency acting pursuant to statutes regarding a license of any person, institution, or agency which provides care for or services to children;

(12) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;

**(13) Any person who is a tenure-track or full-time research faculty member at an accredited institution of higher education engaged in scholarly research, with the permission of the director. Prior to the release of any identifying information, the director shall require the researcher to present a plan for maintaining the confidentiality of the identifying information. The researcher shall be prohibited from releasing the identifying information of individual cases.**

3. Only the following persons shall have access to records maintained by the division pursuant to section 210.152 for which the division has received a report of child abuse and neglect and which the

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division has determined that there is insufficient evidence or in which the division proceeded with the family assessment and services approach:

- (1) Appropriate staff of the division;
- (2) Any child named in the report as a victim, or a legal representative, or the parent or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent. The names or other identifying information of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division of family services shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide for a method for confirming or certifying that a designee is acting on behalf of a subject;
- (3) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division of family services shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;
- (4) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;
- (5) Appropriate criminal justice agency personnel or juvenile officer;
- (6) Multidisciplinary agency or individual including a physician or physician's designee who is providing services to the child or family, with the consent of the parent or guardian of the child or legal representative of the child;
- (7) Any person engaged in bona fide research purpose, with the permission of the director; provided, however, that no information identifying the subjects of the reports or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the subject, or if a child, through the child's parent or guardian, provides written permission.

4. [After a period of two years following a finding by the division, any person who is the subject of a report where there is insufficient

evidence of abuse or neglect shall have the records removed from the division and destroyed.

5.] Any person who knowingly violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the information system or the central registry and in reports and records made pursuant to sections 210.109 to 210.183, shall be guilty of a class A misdemeanor.

**5. Nothing in this section shall preclude the release of findings or information about cases which resulted in a child fatality or near fatality. Such release is at the sole discretion of the director of the department of social services, based upon a review of the potential harm to other children within the immediate family.**

**210.152. REPORTS OF ABUSE OR NEGLECT — DIVISION TO RETAIN CERTAIN INFORMATION — CONFIDENTIAL, RELEASED ONLY TO AUTHORIZED PERSONS — REPORT REMOVAL, WHEN — NOTICE OF AGENCY'S DETERMINATION TO RETAIN OR REMOVE, SENT WHEN — ADMINISTRATIVE REVIEW OF DETERMINATION — DE NOVO JUDICIAL REVIEW.**— 1. All identifying information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division and removed from the records of the division as follows:

(1) For investigation reports contained in the central registry, identifying information shall be retained by the division;

(2) For investigation reports **initiated by a person required to report pursuant to section 210.115**, where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for [five] **ten** years from the date of the report [or from the date of the closing of a case opened by the division in response to the report or from the date of the last report if there were subsequent reports, whichever is later]. **For all other investigation reports where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for two years from the date of the report.** Such report shall include any exculpatory evidence known by the division, including exculpatory evidence obtained after the closing of the case. At the end of such [five-year] **two-year** period, the identifying information shall be removed from the records of the division and destroyed;

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(3) For reports where the division uses the family assessment and services approach, identifying information shall be retained by the division;

(4) For reports in which the division is unable to locate the child alleged to have been abused or neglected, identifying information shall be retained for ten years from the date of the report and then shall be removed from the records of the division.

2. Within ninety days after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be notified in writing of any determination made by the division based on the investigation. The notice shall advise either:

(1) That the division has determined that there is probable cause to suspect abuse or neglect exists and that the division shall retain all identifying information regarding the abuse or neglect; that such information shall remain confidential and will not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's determination through a review by the child abuse and neglect review board as provided in subsection 3 of this section;

(2) There is insufficient probable cause of abuse or neglect.

3. Any person named in an investigation as a perpetrator who is aggrieved by a determination of abuse or neglect by the division as provided in this section may seek an administrative review by the child abuse and neglect review board pursuant to the provisions of section 210.153. Such request for review shall be made within sixty days of notification of the division's decision under this section. In those cases where criminal charges arising out of facts of the investigation are pending, the request review shall be made within sixty days from the court's final disposition or dismissal of the charges.

4. In any such action for administrative review, the child abuse and neglect review board shall sustain the division's determination if such determination is supported by evidence of probable cause and is not against the weight of such evidence. The child abuse and neglect review board hearing shall be closed to all persons except the parties, their attorneys and those persons providing testimony on behalf of the parties.

5. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the county in which the

alleged perpetrator resides and in circuits with split venue, in the venue in which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a resident of the state, proper venue shall be in Cole County. The case may be assigned to the family court division where such a division has been established. The request for a judicial review shall be made within sixty days of the notification of the decision of the child abuse and neglect review board decision. In reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall have the discretion to allow the parties to submit the case upon a stipulated record.

6. In any such action for administrative review the child abuse and neglect review board shall notify the child or the parent, guardian or legal representative of the child that a review has been requested.

**210.192. CHILD FATALITY REVIEW PANEL TO INVESTIGATE DEATHS — QUALIFICATIONS — PROSECUTORS AND CIRCUIT ATTORNEYS TO ORGANIZE — REPORT ON INVESTIGATIONS — IMMUNITY FROM CIVIL LIABILITY — PROGRAM FOR PREVENTION.** — 1. The prosecuting attorney or the circuit attorney shall impanel a child fatality review panel for the county or city not within a county in which he **or she** serves to investigate the deaths of children under the age of eighteen years, who are eligible to receive a certificate of live birth. The panel shall be formed and shall operate according to the rules, guidelines and protocols provided by the department of social services.

2. The panel shall include, but shall not be limited to, the following:

- (1) The prosecuting or circuit attorney;
- (2) The coroner or medical examiner for the county or city not within a county;
- (3) Law enforcement personnel in the county or city not within a county;
- (4) A representative from the division of family services;
- (5) A provider of public health care services;
- (6) A representative of the juvenile court;
- (7) A provider of emergency medical services.

3. The prosecuting or circuit attorney shall organize the panel and shall call the first organizational meeting of the panel. The panel shall elect a chairman who shall convene the panel to meet to review [suspicious deaths of children under the age of eighteen years, who are

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eligible to receive a certificate of live birth, in accordance with the rules, guidelines and protocols developed by the department of social services.] **all deaths of children under the age of eighteen years, who are eligible to receive a certificate of live birth, which meet guidelines for review as set forth by the department of social services. In addition, the panel may review at its own discretion any child death reported to it by the medical examiner or coroner, even if it does not meet criteria for review as set forth by the department.** The panel shall issue a final report, **which shall be a public record**, of each investigation to the department of social services, state technical assistance team and to the director of the department of health. The final report shall include a completed summary report form. The form shall be developed by the director of the department of social services in consultation with the director of the department of health. The department of health shall analyze the child fatality review panel reports and periodically prepare epidemiological reports which describe the incidence, causes, location and other factors pertaining to childhood deaths. The department of health and department of social services shall make recommendations and develop programs to prevent childhood injuries and deaths.

4. The child fatality review panel shall enjoy such official immunity as exists at common law.

**210.195. STATE TECHNICAL ASSISTANCE TEAM, DUTIES — REGIONAL COORDINATORS, APPOINTMENT, DUTIES — STATE CHILD FATALITY REVIEW PANEL, APPOINTMENT, DUTIES, FINDINGS AND RECOMMENDATIONS, CONTENT.** — 1. The director of the department of social services shall establish a special team which shall:

- (1) Develop and implement protocols for the evaluation and review of child fatalities;
- (2) Provide training, expertise and assistance to county child fatality review panels for the review of child fatalities;
- (3) When required and unanimously requested by the county fatality review panel, assist in the review and prosecution of specific child fatalities; and
- (4) The special team may be known as the department of social services, state technical assistance team.

2. The director of the department of social services shall appoint regional coordinators to serve as resources to child fatality review panels established pursuant to section 210.192.

3. The director of the department of social services shall appoint a state child fatality review panel which shall meet **at least** biannually to provide oversight and make recommendations to the department of social services, state technical assistance team. The department of social services, state technical assistance team shall gather data from local child fatality review panels to identify systemic problems and shall submit [an annual report] **findings and recommendations** to the director of the department of social services, the governor, the speaker of the house of representatives, the president pro tempore of the senate, [and] the children's services commission, **juvenile officers, and the chairman of the local child fatality review panel, at least once a year**, on ways to prevent further child abuse **and injury** deaths.

**431.056. MINOR'S ABILITY TO CONTRACT FOR CERTAIN PURPOSES — CONDITIONS. — A minor shall be qualified and competent to contract for housing, employment, purchase of an automobile, receipt of a student loan, admission to high school or postsecondary school, obtaining medical care, establishing a bank account and admission to a shelter for victims of domestic violence, as defined in section 455.200, RSMo, or a homeless shelter if:**

- (1) The minor is sixteen or seventeen years of age; and**
- (2) The minor is homeless, as defined in subdivisions (1), (2) and (3) of subsection 1 of section 167.020, RSMo, or a victim of domestic violence, as defined in section 455.200, RSMo, unless the child is under the supervision of the division of family services or the jurisdiction of the juvenile court; and**
- (3) The minor is self-supporting; and**
- (4) The minor's parents have consented to the minor living independent of the parents' control.**

**453.005. CONSTRUCTION OF SECTIONS 453.010 TO 453.400 — ETHNIC AND RACIAL DIVERSITY CONSIDERATIONS. — 1.** The provisions of sections 453.005 to 453.400 shall be construed so as to promote the best interests and welfare of the child in recognition of the entitlement of the child to a permanent and stable home.

2. The division of family services and all persons involved in the adoptive placement of children as provided in subdivisions (1), (2) and (4) of section 453.014, shall provide for the diligent recruitment of potential adoptive homes that reflect the ethnic and racial diversity of children in the state for whom adoptive homes are needed.

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3. In the selection of an adoptive home, consideration shall be given to both a child's cultural, racial and ethnic background and the capacity of the adoptive parents to meet the needs of a child of a specific background, as one of a number of factors used in determining whether a placement is in the child's best interests. This factor must, however, be applied on an individualized basis, not by general rules.

4. Placement of a child in an adoptive home may not be delayed or denied [solely] on the basis of race, color or national origin.

**453.011. EXPEDITING TERMINATION OF PARENTAL RIGHTS AND CONTESTED ADOPTION CASES.—1. In all cases in which the termination of parental rights or adoption of a child is contested by any person or agency, the trial court shall, consistent with due process, expedite the contested termination or adoption proceeding by entering such scheduling orders as are necessary to ensure that the case is not delayed, and such case shall be given priority in setting a final hearing of the proceeding and shall be heard at the earliest possible date over other civil litigation, other than division of family services' child protection cases.**

**2. In all cases as specified in subsection 1 of this section which are appealed from the decision of a trial court:**

**(1) The transcript from the prior court proceeding shall be provided to the appellate court no later than thirty days from the date the appeal is filed; and**

**(2) The appellate court shall, consistent with its rules, expedite the contested termination of parental rights or adoption case by entering such scheduling orders as are necessary to ensure that a ruling will be entered within thirty days of the close of oral arguments, and such case shall be given priority over all other civil litigation, other than division of family services' child protection cases, in reaching a determination on the status of the termination of parental rights or of the adoption; and**

**(3) In no event shall the court permit more than one request for an extension by either party.**

**3. It is the intent of the general assembly that the permanency of the placement of a child who is the subject of a termination of parental rights proceeding or an adoption proceeding not be delayed any longer than is absolutely necessary consistent with the rights of all parties, but that the rights of the child to permanency at the**

**earliest possible date be given priority over all other civil litigation other than division of family services' child protection cases.**

**491.074. PRIOR INCONSISTENT STATEMENT MAY BE ADMISSIBLE IN CRIMINAL CASES AS SUBSTANTIVE EVIDENCE.**—Notwithstanding any other provisions of law to the contrary, a prior inconsistent statement of any witness testifying in the trial of [an] **a criminal** offense [under chapter 565, 566 or 568, RSMo,] shall be received as substantive evidence, and the party offering the prior inconsistent statement may argue the truth of such statement.

**556.063. DEFINITIONS.**—In all criminal statutes, unless the context requires a different definition, the following terms mean:

(1) "Access", to instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network;

(2) "Computer", the box that houses the central processing unit (cpu), along with any internal storage devices, such as internal hard drives, and internal communication devices, such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, computer refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as peripherals and discussed individually when appropriate. When the computer and all peripherals are referred to as a package, the term "computer system" is used. Information refers to all the information on a computer system including both software applications and data;

(3) "Computer equipment", computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network;

(4) "Computer hardware", all equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. Hardware includes, but is not limited to, any data- processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks,

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compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two or more computers connected together to a central computer server via cable or mode; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks;

(5) "Computer network", a complex consisting of two or more interconnected computers or computer systems;

(6) "Computer program", a set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions;

(7) "Computer software", digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. It commonly includes programs to run operating systems, applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs;

(8) "Computer-related documentation", written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items;

(9) "Computer system", a set of related, connected or unconnected, computer equipment, data, or software;

(10) "Damage", any alteration, deletion, or destruction of any part of a computer system or network;

(11) "Data", a representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer;

(12) "Digital camera", a camera that records images in a format which enables the images to be downloaded into a computer;

**(13) "Property", anything of value as defined in subdivision (10) of section 570.010, RSMo, and includes, but is not limited to, financial instruments, information, including electronically produced data and computer software and programs in either machine or human readable form, and any other tangible or intangible item of value;**

**(14) "Services", the use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions.**

**559.115. APPEALS, PROBATION NOT TO BE GRANTED, WHEN — DELIVERY TO DEPARTMENT OF CORRECTIONS, TIME LIMITATION, ASSESSMENT — NOTIFICATION TO STATE, HEARING — NO PROBATION IN CERTAIN CASES. — 1.** Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the defendant's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. A circuit court only upon its own motion and not that of the state or the defendant shall have the power to grant probation to a defendant anytime up to one hundred twenty days after such defendant has been delivered to the custody of the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the defendant and such defendant's behavior during the period of incarceration. Except as provided in this section, the court may place the defendant on probation in a program created pursuant to section 217.777, RSMo, or may place the defendant on probation with any other conditions authorized by law.

3. Except when the defendant has been found to be a predatory sexual offender pursuant to section 558.018, RSMo, the court shall request that the defendant be placed in the sexual offender assessment unit of the department of corrections if the defendant has pleaded guilty to or has been found guilty of sexual abuse when classified as a class B felony.

4. The circuit court shall notify the state in writing when the court intends to grant probation to the defendant pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to

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the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

5. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to defendants who have been convicted of murder in the second degree pursuant to section 565.021, RSMo; forcible rape pursuant to section 566.030, RSMo; forcible sodomy pursuant to section 566.060, RSMo; statutory rape in the first degree pursuant to section 566.032, RSMo; statutory sodomy in the first degree pursuant to section 566.062, RSMo; child molestation in the first degree pursuant to section 566.067, RSMo, when classified as a class B felony; **abuse of a child pursuant to section 568.060, RSMo, when classified as a class A felony**; a defendant who has been found to be a predatory sexual offender pursuant to section 558.018, RSMo; or any offense in which there exists a statutory prohibition against either probation or parole.

**566.010. CHAPTER 566 AND CHAPTER 568 DEFINITIONS.**— As used in chapters 566 and 568, RSMo, **the following terms mean:**

(1) "Deviate sexual intercourse" [means], any act involving the genitals of one person and the **hand**, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person;

(2) "Sexual conduct" [means], sexual intercourse, deviate sexual intercourse or sexual contact;

(3) "Sexual contact" [means], any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, for the purpose of arousing or gratifying sexual desire of any person;

(4) "Sexual intercourse" [means], any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.

**566.025. EVIDENCE THAT DEFENDANT HAS COMMITTED OTHER CHARGED AND UNCHARGED CRIMES OF A SEXUAL NATURE INVOLVING VICTIMS UNDER FOURTEEN ADMISSIBLE TO PROVE PROPENSITY TO COMMIT CRIME, WHEN.**— In prosecutions [under chapters 566] **pursuant to this chapter or chapter 568, RSMo, of a sexual nature** involving a victim under fourteen years of age, whether or not age is an

element of the crime for which the defendant is on trial, evidence that the defendant has committed other charged or uncharged crimes **of a sexual nature** involving victims under fourteen years of age shall be admissible for the purpose of showing the propensity of the defendant to commit the crime or crimes with which he **or she** is charged[, provided that such evidence involves acts that occurred within ten years before or after the act or acts for which the defendant is being tried] **unless the trial court finds that the probative value of such evidence is outweighed by the prejudicial effect.**

**566.067. CHILD MOLESTATION, FIRST DEGREE, PENALTIES.**— 1. A person commits the crime of child molestation in the first degree if he **or she** subjects another person who is less than [twelve] **fourteen** years of age to sexual contact.

2. Child molestation in the first degree is a class [C] **B** felony unless the actor has previously been convicted of an offense under this chapter or in the course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class [B] **A** felony.

**566.068. CHILD MOLESTATION, SECOND DEGREE, PENALTIES.**— 1. A person commits the crime of child molestation in the second degree if he **or she** subjects another person who is [twelve or thirteen] **less than seventeen** years of age to sexual contact.

2. Child molestation in the second degree is a class A misdemeanor unless the actor has previously been convicted of an offense under this chapter or in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class D felony.

**568.052. LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE, PENALTIES.**— 1. **As used in this section, the following terms mean:**

- (1) **"Collision"**, the act of a motor vehicle coming into contact with an object or a person;
  - (2) **"Injury"**, physical harm to the body of a person;
  - (3) **"Motor vehicle"**, any automobile, truck, truck-tractor, or any motor bus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks;
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(4) "Unattended", not accompanied by an individual fourteen years of age or older.

2. A person commits the crime of leaving a child unattended in a motor vehicle in the first degree if such person knowingly leaves a child ten years of age or less unattended in a motor vehicle and such child fatally injures another person by causing a motor vehicle collision or by causing the motor vehicle to fatally injure a pedestrian, such person shall be guilty of a class C felony.

3. A person commits the crime of leaving a child unattended in a motor vehicle in the second degree if such person knowingly leaves a child ten years of age or less unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian, such person shall be guilty of a class A misdemeanor.

**568.065. GENITAL MUTILATION, PENALTY — AFFIRMATIVE DEFENSES.**—1. A person commits the crime of genital mutilation if such person:

(1) Excises or infibulates, in whole or in part, the labia majora, labia minora, vulva or clitoris of a female child less than seventeen years of age; or

(2) Is a parent, guardian or other person legally responsible for a female child less than seventeen years of age and permits the excision or infibulation, in whole or in part, of the labia majora, labia minora, vulva or clitoris of such female child.

2. Genital mutilation is a class B felony.

3. Belief that the conduct described in subsection 1 of this section is required as a matter of custom, ritual or standard practice, or consent to the conduct by the child on whom it is performed or by the child's parent or legal guardian, shall not be an affirmative defense to a charge pursuant to this section.

4. It is an affirmative defense that the defendant engaged in the conduct charged which constitutes genital mutilation if the conduct was:

(1) Necessary to preserve the health of the child on whom it is performed and is performed by a person licensed to practice medicine in this state; or

(2) Performed on a child who is in labor or who has just given birth and is performed for medical purposes connected with such labor or birth by a person licensed to practice medicine in this state.

**568.110. PROFESSIONAL'S DUTY TO REPORT ON FILM, PHOTOGRAPHS, VIDEOTAPES, FAILURE TO REPORT, PENALTY — EXCEPTIONS.— 1.** Any [commercial] film and photographic print processor, **computer provider, installer or repair person, or any Internet service provider** who has knowledge of or observes, within the scope of the person's professional capacity or employment, any film, photograph, videotape, negative [or], slide, **or computer-generated image or picture** depicting a child under the age of [seventeen] **eighteen** years engaged in an act of sexual conduct shall report such instance to the law enforcement agency having jurisdiction over the case immediately or as soon as practically possible.

2. Failure to make such report shall be a class B misdemeanor.

3. **Nothing in this section shall be construed to require a provider of electronic communication services or remote computing services to monitor any user, subscriber or customer of the provider, or the content of any communication of any user, subscriber or customer of the provider.**

**[569.093. DEFINITIONS.** — As used in sections 569.094 to 569.099 and in section 537.525, RSMo, the following terms mean:

(1) "Access", to instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network;

(2) "Computer", a functional unit that can perform substantial computation, including numerous arithmetic operations, logic operations, or data processing, without intervention by a human operator during a run;

(3) "Computer equipment", computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network;

(4) "Computer network", a complex consisting of two or more interconnected computers or computer systems;

(5) "Computer program", a set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions;

(6) "Computer software", a set of computer programs, procedures, and associated documentation pertaining to the operation of a computer system or computer network;

(7) "Computer system", a set of related, connected or unconnected, computer equipment, data, or software;

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(8) "Damage", any alteration, deletion, or destruction of any part of a computer system or network;

(9) "Data", a representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer;

(10) "Property", anything of value as defined in subdivision (10) of section 570.010, RSMo, and includes, but is not limited to, financial instruments, information, including electronically produced data and computer software and programs in either machine or human readable form, and any other tangible or intangible item of value;

(11) "Services", the use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions.]

**573.010. DEFINITIONS.**—As used in this chapter the following terms shall mean:

(1) "**Child**", any person under the age of fourteen;

(2) "Child pornography", any **obscene** material or performance depicting sexual conduct, sexual contact, or a sexual performance, as these terms are defined in section 556.061, RSMo, and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a child under the age of eighteen; [provided, that it shall not include material which is not the visual reproduction of a live event;]

[(2)] (3) "Displays publicly", exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway or public sidewalk, or from the property of others or from any portion of the person's store, or the exhibitor's store or property when items and material other than this material are offered for sale or rent to the public;

[(3)] (4) "Explicit sexual material", any pictorial or three dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of post-pubertal human genitals; provided, however, that works of art or of

anthropological significance shall not be deemed to be within the foregoing definition;

[(4)] (5) "Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide;

[(5)] (6) "Material", anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, [or any statue or other figure,] or any recording or transcription, or any mechanical, chemical, or electrical reproduction, **or stored computer data**, or anything which is or may be used as a means of communication. "Material" includes undeveloped photographs, molds, printing plates, **stored computer data** and other latent representational objects;

[(6)] (7) "Minor", any person under the age of eighteen;

[(7)] (8) "Nudity", the showing of post-pubertal human genitals or pubic area, with less than a fully opaque covering;

[(8)] (9) "Obscene", any material or performance is obscene if, **taken as a whole:**

(a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and

(b) [Taken as a whole with] The average person, applying contemporary community standards, [it] **would find the material** depicts or describes sexual conduct in a patently offensive way; and

(c) [Taken as a whole, it] **A reasonable person would find the material** lacks serious literary, artistic, political or scientific value;

[(9)] (10) "Performance", any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more;

[(10)] (11) "Pornographic for minors", any material or performance is pornographic for minors if the following apply:

(a) The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and

(b) The material or performance depicts or describes nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

(c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;

[(11)] (12) "Promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate,

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present, exhibit, or advertise, or to offer or agree to do the same, **by any means including a computer;**

[(12)] **(13)** "Sadomasochistic abuse", flagellation or torture by or upon a person as an act of sexual stimulation or gratification;

[(13)] **(14)** "Sexual conduct", actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification;

[(14)] **(15)** "Sexual excitement", the condition of human male or female genitals when in a state of sexual stimulation or arousal;

[(15)] **(16)** "Wholesale promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purposes of resale or redistribution.

**573.020. PROMOTING OBSCENITY IN THE FIRST DEGREE.—**1. A person commits the crime of promoting obscenity in the first degree if, knowing its content and character:

(1) He **or she** wholesale promotes or possesses with the purpose to wholesale promote any obscene material; or

(2) He **or she** wholesale promotes for minors or possesses with the purpose to wholesale promote for minors any material pornographic for minors; **or**

**(3) He or she promotes, wholesale promotes or possesses with the purpose to wholesale promote for minors material that is pornographic for minors via computer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.**

2. Promoting obscenity in the first degree is a class D felony.

**573.023. SEXUAL EXPLOITATION OF A MINOR, PENALTY.—**1. A person commits the crime of sexual exploitation of a minor if, knowing of its content and character, such person photographs, films, videotapes, produces or otherwise creates obscene material with a minor or child pornography.

2. Sexual exploitation of a minor is a class B felony unless the minor is a child, in which case it is a class A felony.

**573.025. PROMOTING CHILD PORNOGRAPHY IN THE FIRST DEGREE.**

— 1. A person commits the crime of promoting child pornography in the first degree if, knowing **of** its content and character, [he photographs, films, videotapes, produces, publishes or otherwise creates child pornography, or knowingly causes another to do so.] **such person possesses with the intent to promote or promotes obscene material that has a child as one of its participants or portrays what appears to be a child as a participant or observer of sexual conduct.**

2. Promoting child pornography in the first degree is a class B felony[, and upon conviction an additional fine of at least five thousand dollars, but not more than five hundred thousand dollars may be added to any other penalties imposed by law] **unless the person knowingly promotes such material to a minor, in which case it is a class A felony.**

3. **Nothing in this section shall be construed to require a provider of electronic communication services or remote computing services to monitor any user, subscriber or customer of the provider, or the content of any communication of any user, subscriber or customer of the provider.**

**573.030. PROMOTING OBSCENITY IN THE SECOND DEGREE.** — 1. A person commits the crime of promoting pornography for minors or obscenity in the second degree if, knowing its content or character, he **or she:**

(1) Promotes or possesses with the purpose to promote any obscene material for pecuniary gain; or

(2) Produces, presents, directs or participates in any obscene performance for pecuniary gain; or

(3) Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or

(4) Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; **or**

**(5) Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.**

2. Promoting pornography for minors or obscenity in the second degree is a class A misdemeanor unless the person has pleaded guilty to

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or has been found guilty of an offense [under] **pursuant to** this section committed at a different time, in which case it is a class D felony.

**573.035. PROMOTING CHILD PORNOGRAPHY IN THE SECOND DEGREE.**— 1. A person commits the crime of promoting child pornography in the second degree if, knowing **of** its content and character[, he:

(1) Sells, delivers, exhibits or otherwise makes available, or offers or agrees to sell, deliver, exhibit, or otherwise make available, any child pornography; or

(2) Buys, procures or possesses child pornography with the purpose to furnish it to others] **such person possesses with the intent to promote or promotes child pornography or obscene material that has a minor as one of its participants, or portrays what appears to be a minor as a participant or observer of sexual conduct.**

2. Promoting child pornography in the second degree is a class [D] C felony[, and upon conviction an additional fine of at least five thousand dollars, but not more than five hundred thousand dollars may be added to any other penalties imposed by law] **unless the person knowingly promotes such material to a minor, in which case it is a class B felony.**

**573.037. POSSESSION OF CHILD PORNOGRAPHY.**— 1. A person commits the crime of possession of child pornography if [he knowingly:

(1)], **knowing of its content and character, such person possesses [or controls] any obscene material that has a [minor] child as one of its participants or portrays what appears to be a child as an observer or participant of sexual conduct[, sexual contact or a sexual performance a minor; or**

(2) Possesses or controls any material that shows a minor participating or engaging in sexual conduct].

2. Possession of child pornography is a class A misdemeanor unless the person has pleaded guilty to or has been found guilty of an offense under this section [committed at a different time], in which case it is a class D felony.

**573.040. FURNISHING PORNOGRAPHIC MATERIALS TO MINORS.**— 1. A person commits the crime of furnishing pornographic material to minors if, knowing its content and character, **he or she:**

(1) Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor; or

(2) Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or

**(3) Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.**

2. Furnishing pornographic material to minors is a class A misdemeanor unless the person has pleaded guilty to or has been found guilty of an offense [under] **pursuant to** this section committed at a different time, in which case it is a class D felony.

**589.400. REGISTRATION OF CERTAIN OFFENDERS WITH CHIEF LAW OFFICERS OF COUNTY OF RESIDENCE — TIME LIMITATION — CITIES MAY REQUEST COPY OF REGISTRATION.** — 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit, [a felony] **an** offense of chapter 566, RSMo; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses: kidnapping; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child; used a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under [seventeen] **eighteen** years of age; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

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(5) Any person who is a resident of this state [who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere in any other state or under federal jurisdiction to committing, or attempting to commit, an offense which, if committed in this state, would be a felony violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection] **and has been or is required to register in another state or has been or is required to register under federal or military law; or**

**(6) Any person who has been or is required to register in another state or has been or is required to register under federal or military law and who works or attends school or training on a full-time or on a part-time basis in Missouri. Part-time in this subdivision means for more than fourteen days in any twelve-month period.**

2. Any person to whom sections 589.400 to 589.425 applies shall, within ten days of coming into any county, register with the chief law enforcement official of the county in which such person resides. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town or village law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town or village law enforcement agency, if so requested.

**3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless all offenses requiring registration are reversed, vacated or set aside or unless the registrant is pardoned of the offenses requiring registration.**

**589.410. HIGHWAY PATROL TO BE NOTIFIED, INFORMATION TO BE MADE A PART OF MULES.**—The chief law enforcement official shall forward the completed offender registration form to the [central repository] **Missouri state highway patrol** within [ten] **three** days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system upon inquiry.

**589.414. REGISTRANT'S DUTIES ON CHANGE OF ADDRESS — TIME LIMITATIONS FOR CERTAIN NOTIFICATIONS.**— 1. If any person required by sections 589.400 to 589.425 to register changes residence or

address within the same county as such person's previous address, the person shall inform the chief law enforcement official in writing within ten days of such new address and phone number, if the phone number is also changed.

2. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county, the person **shall appear in person and** shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county having jurisdiction over the new residence or address in writing within ten days, of such new address and phone number, if the phone number is also changed. **If any person required by sections 589.400 to 589.425 to register changes their state of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state having jurisdiction over the new residence or address within ten days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county where the person was previously registered shall promptly inform the Missouri state highway patrol of the change. When the registrant is changing the residence to a new state, the Missouri state highway patrol shall promptly inform the responsible official in the new state of residence.**

3. Any person required by sections 589.400 to 589.425 to register who officially changes such person's name shall inform the chief law enforcement officer of such name change within seven days after such change is made.

4. In addition to the requirements of subsections 1 and 2 of this section, the following offenders shall [contact] **report in person to** the county law enforcement agency every ninety days to verify the information contained in their statement made pursuant to section 589.407:

(1) Any offender registered as a predatory or persistent sexual offender **under the definitions found in section 558.018, RSMo;**

(2) Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and

(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

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5. In addition to the requirements of subsections 1 and 2 of this section, all registrants shall report annually in person in the month of their birth to the county law enforcement agency to verify the information contained in their statement made pursuant to section 589.407.

6. In addition to the requirements of subsections 1 and 2 of this section, all Missouri registrants who work or attend school or training on a full-time or part-time basis in any other state shall be required to report in person to the chief law enforcement officer in the area of the state where they work or attend school or training and register in that state. Part-time in this subsection means for more than fourteen days in any twelve-month period.

**589.425. FAILURE TO REGISTER, PENALTY — SUBSEQUENT VIOLATIONS, PENALTY.**— 1. Any person who is required to register pursuant to sections 589.400 to 589.425 and[:

(1) Includes any false information in such person's registration statement; or

(2) Fails to register; or

(3) Fails to timely verify registration information pursuant to section 589.414;] **does not meet all requirements of sections 589.400 to 589.425** is guilty of a class A misdemeanor.

2. Any person who commits a second or subsequent violation of subsection 1 of this section is guilty of a class D felony.

**660.520. STATE TECHNICAL ASSISTANCE TEAM FOR CHILD SEXUAL ABUSE CASES, DUTIES — COUNTIES MAY DEVELOP TEAM, MEMBERS — DIVISION OF FAMILY SERVICES, DUTIES — AVAILABILITY OF RECORDS.**

— 1. There is hereby established in the department of social services a special team [which], **to be known as the "state technical assistance team", to assist in cases of child abuse, child neglect, child sexual abuse, child exploitation or child fatality. It shall be the priority of the team to focus on those cases in which more than one report has been received. The director of family services shall be held accountable for cases reported and filed with the division. The team shall:**

(1) Provide training, expertise and assistance to county multidisciplinary teams for the investigation and prosecution of **child abuse, child neglect, child sexual abuse, child exploitation or child fatality** cases;

(2) Assist in the investigation of child **abuse, child neglect, child sexual abuse, child exploitation or child fatality** cases, upon the request of a local law enforcement [agencies, prosecutors, or] **agency, prosecutor, division of family services staff, a representative of the family courts, medical examiner, coroner or juvenile officer. Upon being requested to assist in an investigation, the state technical assistance team shall notify all parties specified in this subdivision of the team's involvement. Where assistance has been requested by a local law enforcement agency, state technical assistance team investigators certified as peace officers by the director of the department of public safety pursuant to chapter 590, RSMo, shall be deemed to be peace officers within the jurisdiction of the requesting law enforcement agency, while acting at the request of the law enforcement agency. The power of arrest of a state technical assistance team investigator acting as a peace officer shall be limited to offenses involving child abuse, child neglect, child sexual abuse, child exploitation or child fatality;**

(3) Assist county multidisciplinary teams to develop and implement protocols for the investigation and prosecution of **child abuse, child neglect, child sexual abuse, child exploitation or child fatality** cases.

2. The team may call upon the expertise of the office of the attorney general, the Missouri office of prosecution services, the missing persons unit of the state highway patrol, the department of health, the department of mental health or any other [state] agency.

3. Each county may develop a multidisciplinary team for the purpose of determining the appropriate investigative and therapeutic action to be initiated on [child sexual abuse] complaints **referenced in subsection 1 of this section** reported to the division of family services. The multidisciplinary team may include, but is not limited to, a prosecutor, or his **or her** representative, an investigator from the division of family services, a physician, a representative from a mental health care services agency and a representative of the police agency of primary jurisdiction.

4. The division of family services shall provide training and assistance to county multidisciplinary teams and shall assist in the investigation of child **abuse, child neglect, child sexual abuse, child exploitation or child fatality** cases upon the request of local law enforcement agencies, the local multidisciplinary team, or the local prosecutor.

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**5. All reports and records made and maintained by the state technical assistance team or local law enforcement relating to criminal investigations conducted pursuant to this section, including arrests, shall be available in the same manner as law enforcement records, as set forth in sections 610.100 to 610.200, RSMo, and to the individuals identified in subdivision (13) of subsection 2 of section 210.150, RSMo. All other records shall be available in the same manner as provided for in section 210.150, RSMo.**

**SECTION 1. PILOT PROJECT BY DEPARTMENT TO FORMULATE COMMUNITY RESPONSE TO CHILD ABUSE AND NEGLECT. — The department of social services shall engage community-based public and private organizations in Jackson County to participate in a pilot project for the purpose of formulating a community response to child abuse and neglect, including hotline investigations, assessments and their dispositions.**

Approved July 13, 2000

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SB 763 [CCS HCS SS SCS SB 763]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Regulates unsolicited telephone sales calls.**

AN ACT to repeal section 407.020, RSMo Supp. 1999, relating to telecommunications merchandising practices, and to enact in lieu thereof nineteen new sections relating to the same subject, with penalty provisions.

SECTION

- A. Enacting clause.
  - 407.020. Unlawful practices, penalty — exceptions.
  - 407.1070. Definitions.
  - 407.1073. Telemarketers, required disclosures — misrepresentations prohibited.
  - 407.1076. Unlawful telemarketing acts or practices.
  - 407.1079. Telemarketers required to keep certain records.
  - 407.1082. Penalties — criminal penalties — civil damages.
  - 407.1085. Exemptions — attorney general to receive complaints.
  - 407.1095. Definitions.
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- 407.1098. Telephone solicitation of member on no-call list prohibited.
- 407.1101. Attorney general to create no-call list database — rules — inclusion of national database — database not a public record — no cost to subscribers.
- 407.1107. Caller identification service, telephone solicitor not to interfere with subscriber's use of service.
- 407.1110. Penalties, attorney general to enforce — civil, criminal, injunctive relief — private actions — defenses — statute of limitations.
- 407.1113. Advisory group for consumer protection from telemarketers — publication of information on consumer rights.
- 407.1300. Definitions.
- 407.1310. Unsolicited electronic mail without either return e-mail address or toll-free number prohibited.
- 407.1320. Penalties.
- 407.1330. Damages.
- 407.1340. Interactive computer service may block certain electronic mail without liability — federal law to control if enacted.
  - 1. Required disclosures for entities soliciting contributions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Section 407.020, RSMo Supp. 1999, is repealed and nineteen new sections enacted in lieu thereof, to be known as sections 407.020, 407.1070, 407.1073, 407.1076, 407.1079, 407.1082, 407.1085, 407.1095, 407.1098, 407.1101, 407.1107, 407.1110, 407.1113, 407.1300, 407.1310, 407.1320, 407.1330, 407.1340 and 1, to read as follows:

**407.020. UNLAWFUL PRACTICES, PENALTY — EXCEPTIONS. — 1.**

The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri, is declared to be an unlawful practice. The use by any person, in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri of the fact that the attorney general has approved any filing required by this chapter as the approval, sanction or endorsement of any activity, project or action of such person, is declared to be an unlawful practice. Any act, use or employment declared unlawful by this subsection violates this subsection whether committed before, during or after the sale, advertisement or solicitation.

2. Nothing contained in this section shall apply to:

(1) The owner or publisher of any newspaper, magazine, publication or printed matter wherein such advertisement appears, or the owner or

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operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; or

(2) Any institution or company that is under the direction and supervision of the director of the department of insurance, **director of the division of credit unions**, or director of the division of finance, unless the directors of such divisions specifically authorize the attorney general to implement the powers of this chapter or such powers are provided to either the attorney general or a private citizen by statute.

3. Any person who willfully and knowingly engages in any act, use, employment or practice declared to be unlawful by this section with the intent to defraud shall be guilty of a class D felony.

4. It shall be the duty of each prosecuting attorney and circuit attorney in their respective jurisdictions to commence any criminal actions under this section, and the attorney general shall have concurrent original jurisdiction to commence such criminal actions throughout the state where such violations have occurred.

5. It shall be an unlawful practice for any long-term care facility, as defined in section 660.600, RSMo, except a facility which is a residential care facility I or a residential care facility II, as defined in section 198.006, RSMo, which makes, either orally or in writing representation to residents, prospective residents, their families or representatives, regarding the quality of care provided, or systems or methods utilized for assurance or maintenance of standards of care, to refuse to provide copies of documents which reflect the facility's evaluation of the quality of care, except that the facility may remove information that would allow identification of any resident. If the facility is requested to provide any copies, a reasonable amount, as established by departmental rule, may be charged.

6. Any long-term care facility, as defined in section 660.600, RSMo, which commits an unlawful practice under this section shall be liable for damages in a civil action of up to one thousand dollars for each violation, and attorney's fees and costs incurred by a prevailing plaintiff, as allowed by the circuit court.

**407.1070. DEFINITIONS.**— As used in sections 407.1070 to 407.1085, the following terms shall mean:

(1) "Advertisement", as defined in section 407.010;

(2) "Caller identification service", a type of telephone service which permits telephone subscribers to see the telephone number of incoming telephone calls;

(3) "Consumer", a natural person who purchases, may purchase or is solicited for purchase of merchandise or an investment opportunity by a telemarketer through telemarketing;

(4) "Established business relationship", a prior or existing relationship formed by a voluntary two-way communication between a seller or telemarketer and a consumer with or without an exchange of consideration, on the basis of an inquiry, application, purchase or transaction by the consumer regarding products or services offered by such seller or telemarketer, which relationship has not been previously terminated by either party;

(5) "Fictitious name", any name, other than the legal name, used by a seller or telemarketer;

(6) "Investment opportunity", anything tangible or intangible that is offered for sale, sold or traded based wholly or in part on representations, either express or implied, about past, present or future income, profit or appreciation;

(7) "Material aspect or element", any factor likely to significantly influence the consumer's choice of, or conduct regarding, merchandise;

(8) "Merchandise", any objects, wares, goods, commodities, intangibles, real estate or services; except that merchandise shall not include any services, goods or memberships given to a contributor by an entity, organized pursuant to Chapter 501(c)(3) of the United States Internal Revenue Code, while such entity is engaged in fund raising to support the charitable purpose for which the entity was established provided that a bona fide member of such exempt organization makes the voice communication;

(9) "Prize", anything offered or purportedly offered or given or purportedly given to a consumer by chance. For purposes of this definition, chance exists if a consumer is guaranteed to receive anything of value and, at the time of the offer or purported offer, the telemarketer does not identify the specific item that the consumer will receive;

(10) "Promptly", at the beginning of any call initiated by a telemarketer to a consumer;

(11) "Seller", any person who, in connection with a telemarketing transaction, provides, offers to provide, or arranges

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for others to provide merchandise to the consumer in exchange for consideration;

(12) "Telemarketer", any person, or any recorded, computer-generated, electronically generated or other voice communication of any kind, who, in connection with telemarketing, initiates or receives telephone calls to or from a consumer. A telemarketer includes, but is not limited to, any such person that is an owner, operator, officer, director or partner to the management activities of a business;

(13) "Telemarketing", a plan, program or campaign which is conducted to induce the purchase or lease of merchandise by use of one or more telephones and which involves more than one telephone call.

**407.1073. TELEMARKETERS, REQUIRED DISCLOSURES — MISREPRESENTATIONS PROHIBITED.— 1. A telemarketer shall disclose, promptly and in a clear and conspicuous manner, to the consumer receiving the telephone call the following:**

- (1) That the purpose of the telephone call is to make a sale;**
- (2) The telemarketer's identifiable name and the seller on whose behalf the solicitation is being made;**
- (3) The nature of the merchandise or investment opportunity being sold;**

**(4) That no purchase or payment is necessary to be able to win a prize or participate in a prize promotion if a prize promotion is offered. This disclosure shall be made before or in conjunction with the description of the prize to the consumer called; and**

**(5) If the telephone call is made by any recorded, computer-generated, electronically generated or other voice communication of any kind, when engaged in telemarketing, such voice communication shall, promptly at the beginning of the telephone call, inform the consumer that the call is being made by a recorded, computer-generated, electronically generated or other type of voice communication, as the case may be.**

**2. Before a consumer pays for merchandise offered for sale through telemarketing, the telemarketer shall disclose, in a clear and conspicuous manner, the following:**

- (1) The seller or telemarketer's identifiable name and the address or telephone number where the seller or telemarketer can be reached;**

(2) The total cost and quantity of the merchandise that is the subject of the telemarketing sales call;

(3) Any material restriction, limitation or condition to purchase, receive or use the merchandise that is the subject of a telemarketing sales call;

(4) Any material aspect of the nature or terms of the refund, cancellation, exchange or repurchase policies, including the absence of such policies;

(5) Any material aspect of an investment opportunity being offered, including benefits, the price of the land or other investment, and the location of the investment;

(6) Material elements of a prize promotion, including:

(a) The odds of being able to receive the prize and, if the odds are not calculable in advance, the factors and methods used in calculating the odds;

(b) That no purchase or payment of any kind is required to win a prize or to participate in a prize promotion;

(c) The no-purchase or no-payment method of participating in the prize promotion, with either instructions on how to participate or an address or local or toll-free telephone number to which consumers may write or call for information on how to participate; and

(d) All material conditions to receive or redeem the prize.

3. A telemarketer shall not misrepresent, directly or by implication, any of the following:

(1) A description of the prize;

(2) Its market value;

(3) The actual number of each prize to be awarded;

(4) The date by which the prize will be awarded.

4. A telemarketer shall not misrepresent any material aspect of the performance, quality, efficacy, nature or basic characteristics of merchandise that is the subject of a telemarketing sales call.

**407.1076. UNLAWFUL TELEMARKETING ACTS OR PRACTICES.**—It is an unlawful telemarketing act or practice for any seller or telemarketer to engage in the following conduct:

(1) Misrepresent any material fact required pursuant to section 407.1073. It is a defense to this subdivision if a seller or telemarketer shows, by a preponderance of the evidence, that the misrepresentation resulted from a bona fide error notwithstanding

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the maintenance of procedures reasonably adopted to avoid the error, and no civil penalties shall be imposed if this defense is met;

(2) Threaten, intimidate or use profane or obscene language;

(3) Cause the telephone to ring or engage any consumer in telephone conversation, repeatedly or continuously in a manner a reasonable consumer would deem to be annoying, abusive or harassing;

(4) Knowingly and willfully initiate a telemarketing call to a consumer, or transfer or make available to others for telemarketing purposes a consumer's telephone number when that consumer has stated previously that he or she does not wish to receive solicitation calls by or on behalf of the seller unless such request has been rescinded;

(5) Engage in telemarketing to a consumer's residence at any time other than between 8:00 a.m. and 9:00 p.m. local time, at the called consumer's location;

(6) Request or receive payment in advance to remove derogatory information from or improve a consumer's credit history, credit record or credit rating;

(7) Request or receive payment in advance from a consumer, to recover or otherwise aid in the return of money or any other item lost by the consumer in a prior telemarketing transaction, except that this provision shall not apply to services provided by a licensed attorney;

(8) Obtain or submit for payment a check, draft or other form of negotiable paper drawn on a consumer's checking, savings, share or similar account without the consumer's express written or oral authorization. Such authorization shall be deemed verifiable if any of the following means are employed:

(a) Express written authorization by the consumer, which may include the consumer's signature on the negotiable instrument;

(b) Express oral authorization which is tape recorded and made available upon request to the consumer's bank and which evidences clearly both the consumer's authorization of payment for the merchandise that is the subject of the sales offer and the consumer's receipt of all of the following information:

- a. The date of the draft or drafts;
- b. The amount of the draft or drafts;
- c. The payor's name;
- d. The number of draft payments;

e. A telephone number for consumer inquiry that is answered during normal business hours; and

f. The date of the consumer's oral authorization; or

(c) Written confirmation of the transaction, sent to the consumer prior to submission for payment of the consumer's check, draft or other form of negotiable paper, which shall include:

a. All of the information contained in paragraph (b) of this subdivision; and

b. The procedures by which the consumer can obtain a refund from the seller or telemarketer in the event that the confirmation is inaccurate;

(9) Procure the services of any professional delivery, courier or other pick-up service to obtain immediate receipt or possession of a consumer's payment, unless the merchandise or investment opportunity is delivered with the opportunity to inspect before any payment is collected;

(10) Knowingly provide assistance or support to any telemarketer when that person knows or consciously avoids knowing that the telemarketer is engaged in any act in violation of sections 407.1070 to 407.1085; or

(11) Knowingly utilize any method to block or otherwise circumvent a consumer's use of a caller identification service.

**407.1079. TELEMARKETERS REQUIRED TO KEEP CERTAIN RECORDS.**—1. A seller or telemarketer shall keep for a period of twenty-four months from the date the record is produced all verifiable authorizations and records as required in sections 407.1070 to 407.1085, in the form, manner, format or place as they keep such records in the ordinary course of business, including but not limited to:

(1) All substantially different advertising, brochures, telemarketing scripts and promotional materials;

(2) For any prize with a value of twenty-five dollars or greater, the name and last known address of each prize recipient and the prize awarded;

(3) The name and last known address of each consumer, the merchandise purchased, the date such merchandise was shipped or provided and the amount paid by the consumer for the merchandise;

(4) The name, any fictitious name used, the last known home address and telephone number, and the job title for all current and

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former employees directly involved in telephone sales, provided, that if the seller permits fictitious names to be used by employees, each fictitious name must be traceable to only one specific employee; and

(5) All written authorizations required to be provided or received pursuant to sections 407.1070 to 407.1085.

2. For offers of consumer credit products subject to The Truth in Lending Act, 15 U.S.C. et seq., and Regulation Z, 12 CFR 226, compliance with the recordkeeping requirements pursuant to The Truth in Lending Act and Regulation Z shall constitute compliance with subdivision (3) of subsection 1 of this section.

3. The seller and the telemarketer calling on behalf of the seller may, by written agreement, allocate responsibility between themselves for the recordkeeping required by this section. When a seller and telemarketer have entered into such an agreement, the terms of the agreement shall govern, and the seller or telemarketer, as the case may be, need not keep records that duplicate those of the other. If the agreement is unclear as to who must maintain any required record, or if no such agreement exists, the seller shall be responsible for complying with subdivisions (1), (2), (3) and (5) of subsection 1 of this section and the telemarketer shall be responsible for complying with subdivision (4) of subsection 1 of this section.

4. In the event of any dissolution or termination of the telemarketer's business, the telemarketer shall maintain all records as required pursuant to this section. In the event of any sale, assignment or other change in ownership of the seller's business, the successor shall maintain all records required pursuant to this section.

**407.1082. PENALTIES — CRIMINAL PENALTIES — CIVIL DAMAGES.**  
— 1. It is unlawful pursuant to section 407.020 to violate any provision of sections 407.1070 to 407.1085 or to misrepresent or omit the required disclosures of section 407.1073 or 407.1076, and pursuant to sections 407.010 to 407.130, the violator shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130. The remedies available in this section are cumulative and in addition to any other remedies available by law.

2. Any person who willfully and knowingly engages in any act or practice declared to be unlawful by any provision of subdivisions (2) to (5) of section 407.1076 shall be guilty of a class A misdemeanor. Any person who willfully and knowingly engages in any act or practice declared to be unlawful by any provision of subdivision (1)

of section 407.1076, or of subdivisions (6) to (11) of section 407.1076, shall be guilty of a class D felony. Any person previously convicted of a class D felony pursuant to this subsection shall, for each subsequent conviction, be guilty of a class D felony punishable by the term of years set out for a class D felony, but with a fine of not more than five thousand dollars or a fine equal to triple the gain, with no limit on the amount recoverable pursuant to any triple the gain penalty. Any person who willfully and knowingly fails to keep the records required in section 407.1079 shall be guilty of a class A misdemeanor.

3. In addition to the remedies already provided in sections 407.1070 to 407.1085, any consumer that suffers a loss or harm as a result of any unlawful telemarketing act or practice pursuant to section 407.1076 may recover actual and punitive damages, reasonable attorney's fees, court costs and any other remedies provided by law.

**407.1085. EXEMPTIONS — ATTORNEY GENERAL TO RECEIVE COMPLAINTS. — 1.** The following acts or practices are exempt from the provisions of sections 407.1070 to 407.1082:

(1) Telephone calls in which the sale of merchandise is not completed, and payment or authorization of payment is not required, until after a face-to-face sales presentation by the telemarketer or seller; or

(2) Telephone calls in which the sale of merchandise is completed and a written contract is forwarded to the consumer so long as the consumer may return the merchandise within fourteen days of receipt of the merchandise and receive a refund of any moneys paid except for any coverage, fees or services earned; provided that the telemarketer shall inform the consumer at the time of the call that:

(a) A written contract regarding the sale of the merchandise will be forwarded to the consumer;

(b) The approximate date of the delivery of the merchandise; and

(c) The consumer will have a right to terminate the contract within fourteen days of receipt of the merchandise, and upon returning the merchandise, shall have a right to a refund as provided in this subdivision.

The term "merchandise" as used in this subdivision shall mean merchandise sold by a person, institution or company that is under the direction and supervision of the director of the department of insurance, director of the division of credit unions or director of the

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division of finance or federally chartered banks, savings and loans and credit unions.

(3) Telephone calls initiated by a consumer that:

(a) Are not the result of any advertisement by a seller or telemarketer;

(b) Are in response to an advertisement through any media, other than direct mail or telemarketing, which discloses the name of the seller and the identity of the merchandise; provided that, this exemption shall not apply to calls initiated by the consumer in response to an advertisement that offers a prize or investment opportunity, or is used to engage in telemarketing activities prohibited by subdivision (6) or (7) of section 407.1076; or

(c) Are in response to direct mail solicitations that clearly and conspicuously disclose and do not misrepresent the material information required by subsection 2 of section 407.1073; provided that, this exemption does not apply to calls initiated by the consumer in response to an advertisement that offers a prize or investment opportunity, or is to engage in telemarketing activities prohibited by subdivision (6) or (7) of section 407.1076; or

(d) Are in response to the mailing of a catalog which contains a written description or illustration of the goods or services offered for sale; includes the business address of the seller, includes multiple pages of written materials or illustrations; and has been issued not less frequently than once a year, when the seller or telemarketer does not contact consumers by telephone but only receives calls initiated by consumers in response to the catalog, and stops further solicitation of items not in a catalog when the consumer states that he or she is not interested in any further solicitations; or

(4) Telephone calls or messages:

(a) To any consumer with such consumer's prior express invitation or permission;

(b) To any consumer with whom the seller has an established business relationship; or

(c) By or on behalf of any entity over which either a state or federal agency has regulatory authority to the extent that:

a. Subject to such authority, the entity is required to maintain a license, registration, certificate or permit to sell or provide the merchandise being offered through telemarketing; and

b. As of August 28, 2000, the state or federal agency has, directly or through a delegation of authority which is enforceable pursuant

to state or federal law, promulgated rules that regulate the telemarketing sales practices of the entity for the merchandise that entity offers through telemarketing and are reasonably consistent with the requirements of section 407.1070 through section 407.1079 and which allow consumer redress pursuant to that agency's rules or applicable federal law;

(d) Between a telemarketer and any business except calls involving the retail sale of nondurable office and cleaning supplies.

2. The office of the attorney general shall receive telemarketing complaints by means of a toll-free telephone number, by a notice in writing or by electronic means. Complaints against entities who are licensed, certificated or permitted and whose telemarketing practices are regulated by the same state or federal agency and which agency has rules regulating telemarketing practices shall be forwarded for investigation by the office of the attorney general to such agency. All other complaints shall be handled by the office of the attorney general.

**407.1095. DEFINITIONS.**—As used in sections 407.1095 to 407.1113, the following words and phrases mean:

(1) "Caller identification service", a type of telephone service which permits telephone subscribers to see the telephone number of incoming telephone calls;

(2) "Residential subscriber", a person who has subscribed to residential telephone service from a local exchange company or the other persons living or residing with such person;

(3) "Telephone solicitation", any voice communication over a telephone line from a live operator, through the use of ADAD equipment or by other means for the purpose of encouraging the purchase or rental of, or investment in, property, goods or services, but does not include communications:

(a) To any residential subscriber with that subscriber's prior express invitation or permission;

(b) By or on behalf of any person or entity with whom a residential subscriber has had a business contact within the past one hundred eighty days or a current business or personal relationship;

(c) By or on behalf of an entity organized pursuant to Chapter 501(c)(3) of the United States Internal Revenue Code, while such entity is engaged in fund raising to support the charitable purpose for which the entity was established provided that a bona fide

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member of such exempt organization makes the voice communication;

(d) By or on behalf of any entity over which a federal agency has regulatory authority to the extent that:

a. Subject to such authority, the entity is required to maintain a license, permit or certificate to sell or provide the merchandise being offered through telemarketing; and

b. The entity is required by law or rule to develop and maintain a no-call list;

(e) By a natural person responding to a referral, or working from his or her primary residence, or a person licensed by the state of Missouri to carry out a trade, occupation or profession who is setting or attempting to set an appointment for actions relating to that licensed trade, occupation or profession within the state or counties contiguous to the state.

**407.1098. TELEPHONE SOLICITATION OF MEMBER ON NO-CALL LIST PROHIBITED.**— 1. No person or entity shall make or cause to be made any telephone solicitation to the telephone line of any residential subscriber in this state who has given notice to the attorney general, in accordance with rules promulgated pursuant to section 407.1101 of such subscriber's objection to receiving telephone solicitations.

2. This section shall take effect on July 1, 2001.

**407.1101. ATTORNEY GENERAL TO CREATE NO-CALL LIST DATABASE — RULES — INCLUSION OF NATIONAL DATABASE — DATABASE NOT A PUBLIC RECORD — NO COST TO SUBSCRIBERS.**— 1. The attorney general shall establish and provide for the operation of a database to compile a list of telephone numbers of residential subscribers who object to receiving telephone solicitations. The attorney general shall have such database in operation no later than July 1, 2001.

2. No later than January 1, 2001, the attorney general shall promulgate rules and regulations governing the establishment of a state no-call database as he or she deems necessary and appropriate to fully implement the provisions of sections 407.1095 to 407.1113. The rules and regulations shall include those which:

(1) Specify the methods by which each residential subscriber may give notice to the attorney general or its contractor of his or her

objection to receiving such solicitations or revocation of such notice. There shall be no cost to the subscriber for joining the database.

(2) Specify the length of time for which a notice of objection shall be effective and the effect of a change of telephone number on such notice;

(3) Specify the methods by which such objections and revocations shall be collected and added to the database;

(4) Specify the methods by which any person or entity desiring to make telephone solicitations will obtain access to the database as required to avoid calling the telephone numbers of residential subscribers included in the database, including the cost assessed to that person or entity for access to the database;

(5) Specify such other matters relating to the database that the attorney general deems desirable.

3. If the Federal Communications Commission establishes a single national database of telephone numbers of subscribers who object to receiving telephone solicitations pursuant to 47 U.S.C., Section 227(c)(3), the attorney general shall include that part of such single national database that relates to Missouri in the database established pursuant to this section.

4. Information contained in the database established pursuant to this section shall be used only for the purpose of compliance with section 407.1098 and this section or in a proceeding or action pursuant to section 407.1110. Such information shall not be considered a public record pursuant to chapter 610, RSMo.

5. In April, July, October and January of each year, the attorney general shall be encouraged to obtain subscription listings of consumers in this state who have arranged to be included on any national do-not-call list and add those names to the state do-not-call list.

6. The attorney general may utilize moneys appropriated from general revenue and moneys appropriated from the merchandising practices revolving fund established in section 407.140 for the purposes of establishing and operating the state no-call database.

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 407.1095 to 407.1113 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers

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vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

**407.1107. CALLER IDENTIFICATION SERVICE, TELEPHONE SOLICITOR NOT TO INTERFERE WITH SUBSCRIBER'S USE OF SERVICE..**

—1. Any person or entity who makes a telephone solicitation to the telephone line of any residential subscriber in this state shall, at the beginning of such call, state clearly the identity of the person or entity initiating the call.

2. No person or entity who makes a telephone solicitation to the telephone line of a residential subscriber in this state shall knowingly use any method to block or otherwise circumvent such subscriber's use of a caller identification service.

**407.1110. PENALTIES, ATTORNEY GENERAL TO ENFORCE — CIVIL, CRIMINAL, INJUNCTIVE RELIEF — PRIVATE ACTIONS — DEFENSES — STATUTE OF LIMITATIONS.— 1.** The attorney general may initiate proceedings relating to a knowing violation or threatened knowing violation of section 407.1098 or 407.1107. Such proceedings may include, without limitation, an injunction, a civil penalty up to a maximum of five thousand dollars for each knowing violation and additional relief in any court of competent jurisdiction. The attorney general may issue investigative demands, issue subpoenas, administer oaths, and conduct hearings in the course of investigating a violation of section 407.1098 or 407.1107.

2. In addition to the penalties provided in subsection 1 of this section, any person or entity that violates section 407.1107 shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130. The remedies available in this section are cumulative and in addition to any other remedies available by law.

3. Any person who has received more than one telephone solicitation within any twelve-month period by or on behalf of the same person or entity in violation of section 407.1098 or 407.1107 may either:

(1) Bring an action to enjoin such violation;

(2) Bring an action to recover for actual monetary loss from such knowing violation or to receive up to five thousand dollars in damages for each such knowing violation, whichever is greater; or

(3) Bring both such actions.

4. It shall be a defense in any action or proceeding brought pursuant to this section that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of section 407.1098 or 407.1107.

5. No action or proceeding may be brought pursuant to this section:

(1) More than two years after the person bringing the action knew or should have known of the occurrence of the alleged violation; or

(2) More than two years after the termination of any proceeding or action arising out of the same violation or violations by the state of Missouri, whichever is later.

6. A court of this state may exercise personal jurisdiction over any nonresident or his or her executor or administrator as to an action or proceeding authorized by this section in the manner otherwise provided by law.

7. The remedies, duties, prohibitions and penalties of sections 407.1095 to 407.1107 are not exclusive and are in addition to all other causes of action, remedies and penalties provided by law.

8. No provider of telephone caller identification service shall be held liable for violations of section 407.1098 or 407.1107 committed by other persons or entities.

9. Sections 407.1107 and this section shall take effect on July 1, 2001.

**407.1113. ADVISORY GROUP FOR CONSUMER PROTECTION FROM TELEMARKETERS — PUBLICATION OF INFORMATION ON CONSUMER RIGHTS.** — The attorney general shall establish an advisory group composed of government entities, local telecommunications companies, businesses, and senior citizen and other community advocates to compile and promote a list of educational literature to help consumers understand their options with regard to telephone solicitations. The attorney general shall work with local exchange telecommunications companies to disseminate to their residential subscribers information about the availability of and instructions

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about how to request educational literature from the attorney general. The attorney general may enter into agreements with those companies for the purpose of dissemination of the educational literature. The attorney general shall include on his or her Internet web site information that informs residential subscribers of their rights to be placed on a no-call list and the various methods, including notice to the attorney general, of placing their names on this no-call list. The attorney general shall have this literature developed for dissemination to the public no later than January 1, 2001.

**407.1300. DEFINITIONS.**—As used in sections 407.1300 to 407.1340, the following terms mean:

(1) "Assist the transmission", actions taken by a person to provide substantial assistance or support which enables any person to formulate, compose, send, originate, initiate or transmit a commercial electronic mail message;

(2) "Commercial electronic mail message", an electronic mail message sent for the purpose of promoting real property, goods or services for sale or lease. Commercial electronic mail message does not include:

(a) An electronic mail message to which an interactive computer service provider has attached an advertisement in exchange for free use of an electronic mail account, when the user has agreed to such an arrangement;

(b) An electronic mail message between persons with a prior business relationship; or

(c) An electronic mail message between persons with a personal relationship;

(3) "Electronic mail address", a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered;

(4) "Initiate the transmission", the action by the original sender of an electronic mail message, but not the action by any intervening interactive computer service that may handle or retransmit the message, unless such intervening interactive computer service assists in the transmission of an electronic mail message when it knows, or consciously avoids knowing, that the person initiating the transmission is engaged, or intends to engage, in any act or practice that violates sections 407.1300 to 407.1340;

(5) "Interactive computer service", any information service, system or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions;

(6) "Internet domain name", a globally unique, hierarchical reference to an Internet host or service, assigned through centralized Internet naming authorities, comprising a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy.

**407.1310. UNSOLICITED ELECTRONIC MAIL WITHOUT EITHER RETURN E-MAIL ADDRESS OR TOLL-FREE NUMBER PROHIBITED. — 1.** No person or entity conducting business in this state shall electronically mail (e-mail) or cause to be e-mailed, documents consisting of advertising material for the lease, sale, rental, gift offer or other disposition of any realty, goods, services or extensions of credit without a toll- free telephone number or valid sender operated return e-mail address that the recipient of the unsolicited documents may call or e-mail to notify the sender not to e-mail any further unsolicited documents.

2. It is an unlawful merchandising practice pursuant to section 407.020 to assist in the transmission of an unsolicited commercial electronic mail message when the person providing the assistance knows, or consciously avoids knowing, that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any act or practice that violates sections 407.1300 to 407.1340.

3. As used in this section, the phrase "assist or initiate the transmission" does not include or refer to the transmission of any commercial electronic mail message by a telecommunications utility or Internet service provider to the extent that the telecommunications utility or Internet service provider merely carries such transmission over its network.

**407.1320. PENALTIES. —** It is an unlawful merchandising practice pursuant to section 407.020 to violate the provisions of sections 407.1300 to 407.1340.

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**407.1330. DAMAGES.—1. Damages to the recipient of a commercial electronic mail message sent in violation of sections 407.1300 to 407.1340 are five hundred dollars, or actual damages, whichever is greater.**

**2. Damages to an interactive computer service resulting from a violation of sections 407.1300 to 407.1340 are one thousand dollars, or actual damages, whichever is greater.**

**407.1340. INTERACTIVE COMPUTER SERVICE MAY BLOCK CERTAIN ELECTRONIC MAIL WITHOUT LIABILITY — FEDERAL LAW TO CONTROL IF ENACTED.—1. An interactive computer service may, upon its own initiative, block the receipt or transmission through its service of any commercial electronic mail that it reasonably believes is, or will be, sent in violation of sections 407.1300 to 407.1340.**

**2. No interactive computer service may be held liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any commercial electronic mail which it reasonably believes is, or will be, sent in violation of sections 407.1300 to 407.1340.**

**3. Sections 407.1300 to 407.1340 shall be of no force and effect on and after the date that federal law is enacted that prohibits or otherwise regulates the transmission of unsolicited commercial electronic mail messages.**

**SECTION 1. REQUIRED DISCLOSURES FOR ENTITIES SOLICITING CONTRIBUTIONS.—When any entity is paid for soliciting contributions via telephone calls, and the pay is based on contributions received as a result of the phone call, the entity making the calls must disclose immediately to all called parties the net percentage of contributions that go to the organization for which the contribution is solicited.**

Approved June 27, 2000

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SB 788 [CCS HS HCS SB 788]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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**Amends the "whistle-blower" statute governing state employees.**

AN ACT to repeal section 105.055, RSMo 1994, and section 105.058, RSMo Supp. 1999, relating to whistleblower and related protections for employees, and to enact in lieu thereof nine new sections relating to the same subject, with an effective date for a certain section and a termination date for a certain section.

**SECTION**

- A. Enacting clause.
- 105.055. State employee reporting mismanagement or violations of agencies, discipline of employee prohibited — appeal by employee from disciplinary actions, procedure — disciplinary action defined — violation, penalties.
- 105.058. State agencies and officials not to prohibit communications between employees and the state auditor or legislators, exceptions.
- 197.285. Protections for hospital and ambulatory surgical center employees for certain disclosures — written policy required — procedures for disclosure — anonymous reports.
  - 1. Training programs related to quality of patient care and safety required — standards developed by department of health.
  - 2. Adequate nurse staffing, methodology required, minimum requirements.
  - 3. Technical advisory committee on quality of patient care and nursing practices established, members, appointment, duties.
  - 4. Licensure regulations, standards used by the department of health for enforcement.
  - 5. Licensure enforcement, appeals, procedure.
  - 6. Rulemaking authority, department of health.
- B. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Section 105.055, RSMo 1994, and section 105.058, RSMo Supp. 1999, are repealed and nine new sections enacted in lieu thereof, to be known as sections 105.055, 105.058, 197.285, 1, 2, 3, 4, 5 and 6, to read as follows:

**105.055. STATE EMPLOYEE REPORTING MISMANAGEMENT OR VIOLATIONS OF AGENCIES, DISCIPLINE OF EMPLOYEE PROHIBITED — APPEAL BY EMPLOYEE FROM DISCIPLINARY ACTIONS, PROCEDURE — DISCIPLINARY ACTION DEFINED — VIOLATION, PENALTIES.**— 1. No supervisor or appointing authority of any state agency shall prohibit any employee of the agency from discussing the operations of the agency, either specifically or generally, with any member of the legislature or the state auditor.

2. No supervisor or appointing authority of any state agency shall:

(1) Prohibit a state employee from or take any disciplinary action whatsoever against a state employee for the disclosure of any alleged prohibited activity under investigation or any related activity, or for the

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disclosure of information which the employee reasonably believes evidences:

- (a) A violation of any law, rule or regulation; or
- (b) Mismanagement, a gross waste of funds or abuse of authority, or a substantial and specific danger to public health or safety, if the disclosure is not specifically prohibited by law; or

- (2) Require any such employee to give notice to the supervisor or appointing authority prior to making any such report.

3. This section shall not be construed as:

- (1) Prohibiting a supervisor or appointing authority from requiring that an employee inform the supervisor or appointing authority as to legislative requests for information to the agency or the substance of testimony made, or to be made, by the employee to legislators on behalf of the employee to legislators on behalf of the agency;

- (2) Permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a legislator or legislative committee to appear before a legislative committee;

- (3) Authorizing an employee to represent the employee's personal opinions as the opinions of a state agency; or

- (4) Restricting or precluding disciplinary action taken against a state employee if: the employee [knows the disclosure to be false or which the employee discloses with reckless disregard for its truth or falsity] **knew that the information was false**; the information is closed or is confidential under the provisions of the open meetings law or any other law; or the disclosure relates to the employee's own violations, mismanagement, gross waste of funds, abuse of authority or endangerment of the public health or safety.

4. As used in this section, "disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, whether or not the withholding of work has affected or will affect the employee's compensation.

5. Any employee may file an administrative appeal whenever the employee alleges that disciplinary action was taken against the employee in violation of this section. The appeal shall be filed with the state personnel advisory board; provided that the appeal shall be filed with the appropriate agency review board or body of nonmerit agency employers which have established appeal procedures substantially similar to those

provided for merit employees in subsection 5 of section 36.390, RSMo. The appeal shall be filed within thirty days of the alleged disciplinary action. Procedures governing the appeal shall be in accordance with chapter 36, RSMo. If the board or appropriate review body finds that disciplinary action taken was unreasonable, the board or appropriate review body shall modify or reverse the agency's action and order such relief for the employee as the board considers appropriate. If the board finds a violation of this section, it may review and recommend to the appointing authority that the violator be suspended on leave without pay for not more than thirty days or, in cases of willful or repeated violations, may review and recommend to the appointing authority that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The decision of the board or appropriate review body in such cases may be appealed by any party pursuant to law.

6. Each state agency shall prominently post a copy of this section in locations where it can reasonably be expected to come to the attention of all employees of the agency.

**105.058. STATE AGENCIES AND OFFICIALS NOT TO PROHIBIT COMMUNICATIONS BETWEEN EMPLOYEES AND THE STATE AUDITOR OR LEGISLATORS, EXCEPTIONS.**—No state agency and no state official, including the joint committee on legislative research and the oversight division, shall, by agency policy, executive order, ethics codes or any other means, prohibit any state employee from communicating with **the state auditor or** his or her state representative or state senator, nor shall such agency or official require any such employee to provide any record or other information regarding any communications with **the state auditor or** his or her state representative or state senator, except when such communications are directly related to the primary employment duties of such employee.

**197.285. PROTECTIONS FOR HOSPITAL AND AMBULATORY SURGICAL CENTER EMPLOYEES FOR CERTAIN DISCLOSURES — WRITTEN POLICY REQUIRED — PROCEDURES FOR DISCLOSURE — ANONYMOUS REPORTS.**—**1. Hospitals and ambulatory surgical centers shall establish and implement a written policy adopted by each hospital and ambulatory surgical center relating to the protections for employees who disclose information pursuant to**

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subsection 2 of this section. This policy shall include a time frame for completion of investigations related to complaints, not to exceed thirty days, and a method for notifying the complainant of the disposition of the investigation. This policy shall be submitted to the department of health to verify implementation. At a minimum, such policy shall include the following provisions:

(1) No supervisor, or individual with authority to hire or fire in a hospital or ambulatory surgical center shall prohibit employees from disclosing information pursuant to subsection 2 of this section;

(2) No supervisor, or individual with authority to hire or fire in a hospital or ambulatory surgical center shall use or threaten to use his or her supervisory authority to knowingly discriminate against, dismiss, penalize or in any way retaliate against or harass an employee because the employee in good faith reported or disclosed any information pursuant to subsection 2 of this section, or in any way attempt to dissuade, prevent or interfere with an employee who wishes to report or disclose such information;

(3) Establish a program to identify a compliance officer who is a designated person responsible for administering the reporting and investigation process and an alternate person should the primary designee be implicated in the report.

2. This section shall apply to information disclosed or reported in good faith by an employee concerning:

(1) Alleged facility mismanagement or fraudulent activity;

(2) Alleged violations of applicable federal or state laws or administrative rules concerning patient care, patient safety or facility safety; or

(3) The ability of employees to successfully perform their assigned duties.

All information disclosed, collected and maintained pursuant to this subsection and pursuant to the written policy requirements of this section shall be accessible to the department of health at all times and shall be reviewed by the department of health at least annually. Complainants shall be notified of the department of health's access to such information and of the complainant's right to appeal to the department of health.

3. Prior to any disclosure to individuals or agencies other than the department of health, employees wishing to make a disclosure pursuant to the provisions of this section shall first report to the

individual or individuals designated by the hospital or ambulatory surgical center pursuant to subsection 1 of this section.

4. If the compliance officer, compliance committee or management official discovers credible evidence of misconduct from any source and, after a reasonable inquiry, has reason to believe that the misconduct may violate criminal, civil or administrative law, then the hospital or ambulatory surgical center shall report the existence of misconduct to the appropriate governmental authority within a reasonable period, but not more than seven days after determining that there is credible evidence of a violation.

5. Reports made to the department of health shall be subject to the provisions of section 197.477; provided that the restrictions of section 197.477 shall not be construed to limit the employee's ability to subpoena from the original source the information reported to the department pursuant to this section.

6. Each written policy shall allow employees making a report who wish to remain anonymous to do so, and shall include safeguards to protect the confidentiality of the employee making the report, the confidentiality of patients and the integrity of data, information and medical records.

7. Each hospital and ambulatory surgical center shall, within forty-eight hours of the receipt of a report, notify the employee that his or her report has been received and is being reviewed.

**SECTION 1. TRAINING PROGRAMS RELATED TO QUALITY OF PATIENT CARE AND SAFETY REQUIRED — STANDARDS DEVELOPED BY DEPARTMENT OF HEALTH. —** By July 1, 2001, all hospitals and ambulatory surgical centers shall provide training programs, with measurable minimal training outcomes relating to quality of patient care and patient safety, to all unlicensed staff providing patient care in their facility within ninety days of the beginning date of employment. Standards for such training shall be established by the department of health by rule. It shall be a requirement of hospital and ambulatory surgical center licensure pursuant to chapter 197, RSMo, that all hospitals and ambulatory surgical centers submit documentation to the department of health on the training program used.

**SECTION 2. ADEQUATE NURSE STAFFING, METHODOLOGY REQUIRED, MINIMUM REQUIREMENTS. — 1. All hospitals and**

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ambulatory surgical centers shall develop and implement a methodology which ensures adequate nurse staffing that will meet the needs of patients. At a minimum, there shall be on duty at all times a sufficient number of licensed registered nurses to provide patient care requiring the judgment and skills of a licensed registered nurse and to oversee the activities of all nursing personnel.

2. There shall be sufficient licensed and ancillary nursing personnel on duty on each nursing unit to meet the needs of each patient in accordance with accepted standards of quality patient care.

**SECTION 3. TECHNICAL ADVISORY COMMITTEE ON QUALITY OF PATIENT CARE AND NURSING PRACTICES ESTABLISHED, MEMBERS, APPOINTMENT, DUTIES.—1.** There is hereby established a "Technical Advisory Committee on the Quality of Patient Care and Nursing Practices" within the department of health. The committee shall be comprised of nine members appointed by the director of the department of health on or before December 1, 2000, one of whom shall be a representative of the department of health and one of whom shall be a representative of the general public. In addition, the director shall appoint three members representing licensed registered nurses from a list of recommended appointees provided by the Missouri nurses association, one member representing licensed practical nurses from a list of recommended appointees provided by the Missouri licensed practical nurses association, two members from a list of recommended appointees provided by the Missouri hospital association, and one member representing licensed physicians from a list of recommended appointees provided by the Missouri state medical association.

2. The committee shall work with hospitals, nurses, physicians, state agencies, community groups and academic researchers to develop specific recommendations related to staffing, improving the quality of patient care, and insuring the safe and appropriate employment of licensed nurses within hospitals and ambulatory surgical centers. The committee shall develop recommendations and submit an annual report based on such recommendations to the governor, chairpersons of standing health and appropriations committees of the general assembly and the department of health no later than December thirty-first of each year, beginning in 2001.

3. The department of health shall provide such support as the committee members require to aid it in the performance of its duties.

4. Committee members shall not be compensated for their services but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

5. The provisions of this section shall expire on December 31, 2006.

**SECTION 4. LICENSURE REGULATIONS, STANDARDS USED BY THE DEPARTMENT OF HEALTH FOR ENFORCEMENT.—1.** In addition to the powers established in sections 197.070 and 197.220, RSMo, the department of health shall use the following standards for enforcing hospital and ambulatory surgical center licensure regulations promulgated to enforce the provisions of sections 197.010 to 197.120, RSMo, and sections 197.200 to 197.240, RSMo:

(1) Upon notification of a deficiency in meeting regulatory standards, the hospital or ambulatory surgical center shall develop and implement a plan of correction approved by the department which includes, but is not limited to, the specific type of corrective action to be taken and an estimated time to complete such action;

(2) If the plan as implemented does not correct the deficiency, the department may either:

(a) Direct the hospital or ambulatory surgical center to develop and implement a plan of correction pursuant to subdivision (1) of this subsection; or

(b) Require the hospital or ambulatory surgical center to implement a plan of correction developed by the department;

(3) If there is a continuing deficiency after implementation of the plan of correction pursuant to subdivision (2) of this subsection and the hospital or ambulatory surgical center has had an opportunity to correct such deficiency, the department may restrict new inpatient admissions or outpatient entrants to the service or services affected by such deficiency;

(4) If there is a continuing deficiency after the department restricts new in-patient admissions or out-patient entrants to the service or services pursuant to subdivision (3) of this subsection and the hospital or ambulatory surgical center has had an opportunity to correct such deficiency, the department may suspend operations in all or part of the service or services affected by such deficiency;

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(5) If there is a continuing deficiency after suspension of operations pursuant to subdivision (4) of this subsection, the department may deny, suspend or revoke the hospital's or ambulatory surgical center's license pursuant to section 197.070, RSMo, or section 197.220, RSMo.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, if a deficiency in meeting licensure standards presents an immediate and serious threat to the patients' health and safety, the department may, based on the scope and severity of the deficiency, restrict access to the service or services affected by the deficiency until the hospital or ambulatory surgical center has developed and implemented an approved plan of correction. Decisions as to whether a deficiency constitutes an immediate and serious threat to the patients' health and safety shall be made in accordance with guidelines established pursuant to regulation of the department of health and such decisions shall be approved by the bureau of health facility licensing in the department of health, or its successor agency, or by a person authorized by the regulations to approve such decisions in the absence of the director.

**SECTION 5. LICENSURE ENFORCEMENT, APPEALS, PROCEDURE. —**

1. A hospital or ambulatory surgical center aggrieved by a decision of the department pursuant to the provisions of paragraph (b) of subdivision (2), and subdivisions (3), (4) and (5) of subsection 1 of section 4 of this act may appeal such decision to the administrative hearing commission pursuant to section 197.071, RSMo, or section 197.221, RSMo, and seek judicial review pursuant to section 621.145, RSMo. An appeal of an action to restrict new inpatient admissions or outpatient entrants, suspend operations or revoke a license shall be heard on an expedited basis by the administrative hearing commission. The hospital or ambulatory surgical center may apply to the administrative hearing commission for an order to stay or suspend any such departmental action pending the commission's findings and ruling as authorized by section 621.035, RSMo.

2. If both the department and the hospital or ambulatory surgical center agree to do so, prior to an appeal to the administrative hearing commission pursuant to section 197.071, RSMo, or section 197.221, RSMo, an official action of the department made pursuant to sections 197.010 to 197.120, RSMo, or sections 197.200 to 197.240, RSMo, may be appealed to a

**departmental hearing officer. The department of health shall promulgate rules specifying the qualifications of such a hearing officer, establish procedures to ensure impartial decisions and provide for comparable appeal remedies when a departmental hearing officer is unavailable.**

**SECTION 6. RULEMAKING AUTHORITY, DEPARTMENT OF HEALTH.**

**— 1. The department of health may adopt rules necessary to implement the provisions of sections 1 to 6 of this act.**

**2. No rule or portion of a rule promulgated pursuant to the authority of sections 1 to 6 of this act shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.**

**SECTION B. EFFECTIVE DATE.** — The enactment of section 197.285 shall become effective January 1, 2001.

Approved July 13, 2000

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SB 810 [SB 810]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Extends the hospital federal reimbursement allowance to September 30, 2001.**

AN ACT to repeal section 208.480, RSMo Supp. 1999, relating to federal reimbursement allowance, and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

SECTION

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- A. Enacting clause.  
208.480. Federal reimbursement allowance to expire September 30, 2001.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Section 208.480, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 208.480, to read as follows:

**208.480. FEDERAL REIMBURSEMENT ALLOWANCE TO EXPIRE SEPTEMBER 30, 2001.**—Sections 208.453 to 208.480 shall expire on September 30, [2000] **2001**.

Approved June 27, 2000

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SB 881 [CCS HS HCS SB 881]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows funding for motor pool operations by the Public Mass Transportation Fund.**

AN ACT to repeal sections 92.418 and 238.060, RSMo 1994, and section 94.655, RSMo Supp. 1999, relating to transportation in cities, and to enact in lieu thereof three new sections relating to the same subject.

**SECTION**

- A. Enacting clause.  
92.418. Proceeds of tax, how spent — minority businesses to be given consideration for contracts — when.  
94.655. Procedure for cities to adopt transportation sales tax.  
238.060. Commissioners, appointment, terms.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Sections 92.418 and 238.060, RSMo 1994, and section 94.655, RSMo Supp. 1999, are repealed and three new sections enacted in lieu thereof, to be known as sections 92.418, 94.655 and 238.060, to read as follows:

**92.418. PROCEEDS OF TAX, HOW SPENT — MINORITY BUSINESSES TO BE GIVEN CONSIDERATION FOR CONTRACTS — WHEN.**—1. All

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moneys received by a city imposing a sales tax under the provisions of sections 92.400 to 92.421, less two percent for the cost of handling, which shall be deposited in the city's general fund, shall be deposited by the city treasurer, or other city officer authorized by ordinance, in a special fund to be known as the "Public Mass Transportation Trust Fund" for the primary benefit of a public mass transportation system **and motor pool operations** operating within the city[, provided, however, that not more than six and one-half percent of the moneys deposited in the public mass transportation trust fund may be appropriated and expended by the city for motor pool operations as may be required by law].

2. The moneys in the public mass transportation trust fund accumulated by the city beyond the end of the city's fiscal year in which such funds were collected, and not needed by the city to meet its contractual obligations to an interstate transportation authority or for motor pool operations, may be appropriated and paid directly to such interstate transportation authority to be used by the interstate transportation authority for its general purposes in providing a public mass transportation system within an interstate transportation district, or the city may appropriate and expend such excess funds for the purposes set forth in section 30(a)(2), of article IV, of the Constitution of Missouri, as amended.

3. A city may designate by contract from time to time with an interstate transportation authority to provide specific services, frequency of service, to underwrite a certain fare structure or for any purpose consistent with providing a sound public mass transportation system to serve the city, and the city shall appropriate and pay directly to the interstate transportation authority from the public mass transportation trust fund the amounts of money that the city finds is sufficient to enable the interstate transportation authority to perform its contractual obligations to the city, or a city may appropriate and pay all of the funds on deposit in a public mass transportation trust fund directly to an interstate transportation authority to be used by such interstate transportation authority for its general purposes in providing a public mass transportation system within an interstate transportation district.

4. Any provisions of sections 92.400 to 92.421 to the contrary notwithstanding, seven and one-half percent of the proceeds of any sales tax imposed under sections 92.400 to 92.421 that are appropriated and paid by a city to an interstate transportation authority shall be used only by the city and the interstate transportation authority for the purchase of new equipment, for the construction of public mass transportation

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facilities or for any other capital expenditures or improvements to the property of the interstate transportation authority, or to pay the interest or principal payments or to satisfy sinking fund requirements on any negotiable notes or bonds or other instruments in writing issued by the interstate transportation authority for any of the above purposes.

5. Ninety-two and one-half percent of the proceeds of any sales tax imposed under sections 92.400 to 92.421 that are appropriated and paid by a city to an interstate transportation authority shall be used to supply funds to be applied to the expenses of the organization and costs of operation of the public mass transportation system and the facilities thereof, and may be used to supply additional funds for capital expenditures as set forth in subsection 4 of this section.

6. Transportation authorities operating a public mass transportation system under sections 92.400 to 92.421 may provide for interior and exterior advertising on each vehicle for mass transportation purposes.

7. Transportation authorities operating a public mass transportation system under sections 92.400 to 92.421 shall set and attain goals for the inclusion of minority business enterprises as defined in section 33.750, RSMo, for contracts in operating motor pools, construction, repairs and related projects for the public mass transportation system. The attainment of such goals on these contracts shall be based on the availability of minority-owned businesses operating within the city that perform the services for which such contract is to be awarded.

**94.655. PROCEDURE FOR CITIES TO ADOPT TRANSPORTATION SALES TAX.**—[1.] In those cities in which the transportation sales tax has been submitted to and approved by the voters or by a majority vote of the governing body of any such city without submission of the issue to the voters, the transportation sales tax shall remain in effect until repealed by local ordinance in those cities.

[2. The provisions of sections 94.600 to 94.655 shall expire on December 31, 2001.]

**238.060. COMMISSIONERS, APPOINTMENT, TERMS.**— 1. [Within sixty days after October 13, 1965, commissioners of the Kansas City area transportation authority, created by compact between the states of Missouri and Kansas shall be appointed as follows:

(1) There shall be five commissioners appointed from within the district established by the compact and at least three of said commissioners shall reside within the city of Kansas City, Missouri;

(2) Within thirty days after October 13, 1965, by majority vote of each county commission from Cass, Clay, Jackson, and Platte counties there shall be submitted to the governor a panel of three qualified persons who reside in their respective counties and on each panel from Clay, Jackson and Platte counties at least one person shall reside within the city of Kansas City. The mayor of Kansas City, Missouri, with the approval of a majority of the members of the city council of the city of Kansas City shall submit to the governor a panel of three qualified persons who reside within the city of Kansas City. The governor within thirty days thereafter shall appoint with the advice and consent of the senate one commissioner from each panel so submitted; provided, however, that if any panel is not submitted to the governor by the time the appointment is required he shall appoint a qualified person meeting the residency requirements to fill said vacancy;

(3) Within sixty days before the expiration of the term of each commissioner, or within thirty days after a vacancy shall otherwise exist, the county commission of the county or the city of Kansas City from which the vacancy exists shall submit a panel of three eligible persons to the governor who shall appoint with the advice and consent of the senate from said panel a successor who shall hold office for a term of five years or for the unexpired term of his predecessor;

(4) Of the commissioners first appointed, the governor shall appoint and designate one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years.

2. Each commissioner shall hold office until his successor has been appointed and qualified.] **There shall be five commissioners of the Kansas City area transportation authority appointed from within the district established by the compact between the states of Missouri and Kansas. One commissioner each shall be appointed from Cass, Platte and Clay Counties. One commissioner shall be appointed from a part of Jackson County other than that part of such county that is within the city of Kansas City, and one commissioner shall be appointed from the city of Kansas City. The commissioners serving on August 28, 2000, shall serve the remainder of the term for which they were appointed.**

**2. Within sixty days before the expiration of the term of each commissioner holding office on August 28, 2000, or any commissioner holding office after August 28, 2000, or within thirty**

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days after the position of a commissioner shall become vacant, that commissioner's successor shall be appointed as follows:

(1) If the current commissioner or the position which has become vacant was appointed from Platte or Clay County, the county commission of the county shall submit a panel of three persons who are residents of that county and of any city, town or village, including the city of Kansas City, Missouri, that has appropriated funds for operations of the Kansas City area transportation authority in its current or immediately preceding fiscal year, selected by a majority vote of the commission, to the mayor of Kansas City, Missouri, who shall appoint with the approval of a majority of the members of the city council of the city of Kansas City, Missouri, a successor;

(2) If the current commissioner or the position which has become vacant was appointed from Cass County, the county commission of the county shall, by a majority vote, submit a panel of three persons who are residents of the county to the governor. Within thirty days of submission, the governor shall appoint one person from the panel as commissioner, with the advice and consent of the senate; provided that, if any panel is not submitted to the governor by the time appointment is required, the governor shall appoint a qualified person meeting the residency requirements to fill the vacancy;

(3) If the current commissioner or the position which has become vacant was appointed from Jackson County, the county executive of Jackson County shall appoint a successor who shall be a resident of any city, town or village, other than the city of Kansas City, Missouri, that has appropriated funds for operations of the Kansas City area transportation authority in its current or immediately preceding fiscal year;

(4) If the current commissioner or the position which has become vacant was appointed from Kansas City, Missouri, the mayor of Kansas City, Missouri, shall appoint a successor who is a resident of that city.

3. Each commissioner appointed pursuant to this section shall hold office for a term of four years or for the unexpired term of his or her predecessor and shall continue in office until his or her successor has been appointed and has qualified. No person shall serve more than two consecutive four-year terms as a commissioner, provided that a person appointed to serve the unexpired term of a predecessor whose remaining term at the time of such appointment

**is more than two and one-half years shall only be permitted to serve one additional, consecutive four-year term.**

Approved June 27, 2000

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SB 885 [SS SCS SB 885]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Makes several revisions with respect to public entities and the Missouri Consolidated Health Care Plan.**

AN ACT to repeal sections 103.085 and 103.136, RSMo 1994, and sections 103.003 and 103.008, RSMo Supp. 1999, relating to health plan for state employees, and to enact in lieu thereof six new sections relating to the same subject.

SECTION

- A. Enacting clause.
- 103.003. Definitions.
- 103.008. Administration to be by board of trustees — members, qualifications, appointment, terms — vacancies.
- 103.081. HMO benefits coverage plan for certain state employees.
- 103.085. Termination of coverage, when, exceptions, certain persons may choose to continue coverage, requirements.
- 103.136. Agencies and political subdivisions, coverage by plan after termination, two-year period, exception, board action.
  - 1. Recommendation to change to an October first plan year for health care provider contracts.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Sections 103.085 and 103.136, RSMo 1994, and sections 103.003 and 103.008, RSMo Supp. 1999, are repealed and six new sections enacted in lieu thereof, to be known as sections 103.003, 103.008, 103.081, 103.085, 103.136 and 1, to read as follows:

**103.003. DEFINITIONS.**—As used in sections 103.003 to 103.175, the following terms mean:

- (1) "Actuarial reserves", the necessary funding required to pay all the medical expenses for services provided to members of the plan but for which the claims have not yet been received by the claims administrator;
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(2) "Actuary", a member of the American Academy of Actuaries or who is an enrolled actuary under the Employee Retirement Income Security Act of 1974;

(3) "Agency", a state-sponsored institution of higher learning, political subdivision or governmental entity or instrumentality;

(4) "Alternative delivery health care program", a plan of covered benefits that pays medical expenses through an alternate mechanism rather than on a fee-for-service basis. This includes, but is not limited to, health maintenance organizations and preferred provider organizations, all of which shall include chiropractic physicians licensed under chapter 331, RSMo, in the provider networks or organizations;

(5) "Board", the board of trustees of the Missouri consolidated health care plan;

(6) "Claims administrator", an agency contracted to process medical claims submitted from providers or members of the plan and their dependents;

(7) "Coordination of benefits", to work with another group-sponsored health care plan which also covers a member of the plan to ensure that both plans pay their appropriate amount of the health care expenses incurred by the member;

(8) "Covered benefits", a schedule of covered services, including chiropractic services, which are payable under the plan;

(9) "Employee", any person employed full time by the state or a participating member agency, or a person eligible for coverage by a state-sponsored retirement system or a retirement system sponsored by a participating member agency of the plan;

(10) "Evidence of good health", medical information supplied by a potential member of the plan that is reviewed to determine the financial risk the person represents to the plan and the corresponding determination of whether or not he or she should be accepted into the plan;

(11) "Health care plan", any group medical benefit plan providing coverage on an expense-incurred basis, any HMO, any group service or indemnity contract issued by a health plan of any type or description;

(12) "Medical benefits coverages" shall include services provided by chiropractic physicians as well as physicians licensed under chapter 334, RSMo;

(13) "Medical expenses", costs for services performed by a provider and covered under the plan;

(14) "Missouri consolidated health care plan benefit fund account", the benefit trust fund account containing all payroll deductions, payments, and income from all sources for the plan;

(15) "Officer", an elected official of the state of Missouri;

(16) "Participating member agency", a state-sponsored institution of higher learning, political subdivision or governmental entity [or instrumentality] that has elected to join the plan and has been accepted by the board;

(17) "Plan year", a twelve-month period designated by the board which is used to calculate the annual rate categories and the appropriate coverage;

(18) "Provider", a physician, hospital, pharmacist, psychologist, chiropractic physician or other licensed practitioner who or which provides health care services within the respective scope of practice of such practitioner pursuant to state law and regulation;

(19) "Retiree", a person who is not an employee and is receiving or is entitled to receive an annuity benefit from a state-sponsored retirement system or a retirement system of a participating member agency of the plan or becomes eligible for retirement benefits because of service with a participating member agency.

**103.008. ADMINISTRATION TO BE BY BOARD OF TRUSTEES — MEMBERS, QUALIFICATIONS, APPOINTMENT, TERMS — VACANCIES. —**

1. The general administration and the responsibility for the proper operation of the plan is vested in a board of trustees of [eleven] **thirteen** persons, as follows: the director of the department of health, the director of the department of insurance, the commissioner of the state office of administration serving ex officio, one member of the senate **from the majority party** appointed by the president pro tem of the senate **and one member of the senate from the minority party appointed by the president pro tem of the senate with the concurrence of the minority floor leader of the senate**, one member of the house of representatives **from the majority party** appointed by the speaker of the house of representatives **and one member of the house of representatives from the minority party appointed by the speaker of the house of representatives with the concurrence of the minority floor leader of the house of representatives**, and six members appointed by the governor with the advice and consent of the senate. Of the six members appointed by the governor, three shall be citizens of the state of Missouri who are not members of the plan, but who are familiar with medical

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issues. The remaining three members shall be members of the plan and may be selected from any state agency or any participating member agency.

2. Except for the legislative members, the director of the department of health, the director of the department of insurance, and the commissioner of the office of administration, trustees shall be chosen for terms of four years from the first day of January next following their election or appointment. Any vacancies occurring in the office of trustee shall be filled in the same manner the office was filled previously.

**103.081. HMO BENEFITS COVERAGE PLAN FOR CERTAIN STATE EMPLOYEES.**— The board shall develop and submit to the general assembly by September 1, 2000, a plan to offer to state employees located in counties in which HMO coverage is not available, a medical benefits plan for calendar year 2001 with benefits coverage substantially identical to HMO benefits coverage, at a cost to employees not to exceed the average cost to employees for HMO coverage in counties where such coverage is available.

**103.085. TERMINATION OF COVERAGE, WHEN, EXCEPTIONS, CERTAIN PERSONS MAY CHOOSE TO CONTINUE COVERAGE, REQUIREMENTS.**— Except as otherwise provided by sections 103.003 to 103.175, medical benefits coverage as provided by sections 103.003 to 103.175 shall terminate when the member ceases to be an active employee; except persons receiving or entitled to receive an annuity or retirement benefit or disability benefit or the spouse of or unemancipated children of deceased persons receiving or entitled to receive an annuity or retirement benefit or disability benefit from the state, participating member agency, institution, political subdivision or governmental entity may elect to continue coverage, provided the individuals to be covered have been continuously covered for [the] **health care** benefits [under sections 103.003 to 103.175 for at least the shorter of]:

(1) [Two years prior to the date of death or disability of the member or his] **Under a separate group or individual policy for the six-month period immediately preceding the member's date of death or disability** or eligibility for normal or early retirement; or

(2) **Pursuant to sections 103.003 to 103.175, since the effective date of the most recent open enrollment period prior to the member's date of death or disability or eligibility for normal or early retirement; or**

(3) From the initial date of eligibility for the benefits provided by sections 103.003 to 103.175.

Cost for coverage continued [under] **pursuant to** this section shall be determined by the board. If an eligible person does not elect to continue the coverage within thirty-one days of the first day of the month following the date on which the eligible person ceases to be an employee, he **or she** may not later elect to be covered [under] **pursuant to** this section.

**103.136. AGENCIES AND POLITICAL SUBDIVISIONS, COVERAGE BY PLAN AFTER TERMINATION, TWO-YEAR PERIOD, EXCEPTION, BOARD ACTION.**— Any participating member agency terminating its coverage under the plan will not be eligible for participation in the plan for a period of two years after its termination date [except by a majority vote of the board].

**SECTION 1. RECOMMENDATION TO CHANGE TO AN OCTOBER FIRST PLAN YEAR FOR HEALTH CARE PROVIDER CONTRACTS.**— **Due to the differences between the appropriations process and the current contract methodology used by the board, the general assembly hereby recommends that the board, with respect to health care provider contracts, implement a plan year based upon a fiscal year beginning 1 October rather than the calendar year period currently employed by the board.**

Approved June 27, 2000

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SB 894 [CCS HS HCS SCS SB 894]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Amends various laws relating to property ownership.**

AN ACT to repeal sections 53.135, 64.342, 67.547, 67.700, 71.285, 82.817, 140.110, 141.220, 141.540, 141.610, 178.870, 381.011, 381.021, 381.041, 381.051, 381.061, 381.081, 381.091, 381.101, 381.111, 381.121, 381.131, 381.141, 381.151, 381.161, 381.171,

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381.181, 381.191, 381.201, 381.211, 381.221 and 381.241, RSMo 1994, sections 32.105, 32.110, 64.725, 67.582, 135.403, 135.484, 135.766, 137.073, 139.053, 140.160, 381.031, 381.231, 381.410, 381.412, 393.705, 393.715 and 620.1039, RSMo Supp. 1999, section 141.550 as enacted by house bills nos. 977 and 1608 of the second regular session of the eighty-ninth general assembly, section 141.550 as enacted by senate bill no. 778 of the second regular session of the eighty-ninth general assembly, relating to property ownership, and to enact in lieu thereof seventy new sections relating to the same subject, with penalty provisions, and an effective date for certain sections.

## SECTION

- A. Enacting clause.
- 32.105. Definitions — tax credits may be transferred, sold or assigned, requirements.
- 32.110. Firms providing neighborhood assistance to receive tax credits.
- 53.135. Travel expenses (third and fourth class counties).
- 64.337. County commission authorized to appoint and set compensation of park rangers — rangers, certification by department of public safety required, powers and duties (Clay County).
- 64.342. Park concession stands or marinas, county-operated, funds go to county park fund (Clay County).
- 64.725. Temporary county or township planning commission, qualifications, appointment, expenses — master plan adoption procedure, ballot — county or township planning commission, election, terms — petition procedure to appoint temporary commission.
- 67.547. Sales tax imposed in counties, rate of tax — election procedure — St. Louis County, distribution of revenue, limitation on use — all-county trust fund for overpayment refunds and bad check redemption — abolishing tax, procedure.
- 67.582. Law enforcement sales tax — rate of tax — election procedure — special trust fund established — duties of director of revenue — refunds, procedure (all counties except certain first class charter counties).
- 67.700. Sales tax for capital improvements may be imposed in certain counties, procedure — use of revenue — tax effective when — brackets to be established — rate of tax — sales tax revenue collected, defined.
- 71.285. Weeds or trash, city may cause removal and issue tax bill, when — certain cities may order abatement and remove weeds or trash, when — section not to apply to certain cities, when — city official may order abatement in certain cities — removal of weeds or trash, costs.
- 82.817. Designated agents for certain landowners within St. Louis city — penalty.
- 100.331. Commissioners, number reduced, appointment, terms, qualifications, vacancies — consolidation plan authorized (St. Louis City).
- 135.403. Tax credit for qualified investment in Missouri small businesses and qualified investors in community banks or community development corporations — credit evidenced by certificate, limitation of amount of investment eligible for tax credit.
- 135.484. Limitation on available tax credits, allocation of available credits.
- 135.766. Tax credit for guaranty fee paid by small businesses, when.
- 137.073. Definitions — revision of prior levy, when, procedure.
- 137.721. Percentage of ad valorem property tax collections to be deposited in county assessment fund (certain first class counties).
- 139.053. Property taxes, how paid — estimates — interest — refunds.
- 140.110. Collection of back taxes, payments applied, how, exceptions — removal of lien.
- 140.160. Limitation of actions, exceptions — county auditor to furnish delinquent tax list.
- 141.220. Definitions (first class charter counties, and Clay and Buchanan counties).

- 141.540. Place of sale — form of advertisement — notice to be posted on land and sent to certain persons, procedure (first class charter counties, and Clay and Buchanan counties).
- 141.550. Conduct of sale — interests conveyed — special sale procedures for certain counties, certain owners prohibited from bidding — cost of publication (first class charter counties, and Clay and Buchanan counties).
- 141.550. Conduct of sale — interests conveyed — special sale procedures for certain counties, certain owners prohibited from bidding — cost of publication (first class charter counties, and Clay and Buchanan counties).
- 141.610. Court administrator's, sheriff's deed, effect — action to set aside, limitations (first class charter counties).
- 261.032. Director of department of agriculture to categorize products included in state agricultural marketing program.
- 261.037. Missouri agricultural products marketing development fund, created, purposes — citizens' advisory commission for marketing Missouri agricultural products, created, purposes, duties, membership — trademark fees.
- 261.038. Department of agriculture to create web site to foster marketing of Missouri agricultural products.
- 261.110. Department of agriculture to develop standards and labeling for organic farming.
- 393.705. Definitions.
- 393.715. Powers of commission — purchase of private water utility serving outside municipal limits, effect — successorship, continued and new service authorized, when.
- 620.1039. Tax credit for qualified research expenses, exception — certification by director of economic development — transfer of credits, application, restrictions and procedure — limitations on credit.
1. Residents may elect to be removed from a public water supply district if unable to receive services, procedure, liability for costs (Franklin County).
  2. Department of natural resources shall verify compliance with corrective action plans for hazardous waste management.
- B. Effective date.
- C. Enacting clause.
- 178.870. Tax rates, limits — how increased and decreased.
- D. Enacting clause.
- 381.003. Title insurance law, application — persons, title insurers and title agencies — application of general insurance code.
- 381.009. Definitions.
- 381.011. Title insurance law, purpose.
- 381.015. Title insurance commitment, required statement, when — lender's insurance policy without owner's title insurance, notice given when, contents, retention — penalty for violation.
- 381.018. Written contract with title insurer required for commitment or policy issuance, statement of financial condition when, contents, review and notification requirements, inventory, proof of licensure, penalty for violation.
- 381.021. Applicability of law.
- 381.022. Title insurer, agency or agent not affiliated with a title agency may operate as an escrow, security, settlement or closing agent, when, penalty for violations.
- 381.025. Consideration for referrals prohibited, violation a misdemeanor — standing for injunctive relief against violator, when, costs and fees awarded.
- 381.028. Title insurers, agencies and agents prohibited from engaging in transactions conditioned on use of particular title insurer, penalty for violation.
- 381.031. Definitions.
- 381.032. Premium rate schedules and manual, title insurers to file with director, deadline for filing rate schedules, violations, penalty — fees for legal services exempt — recording and reporting rules — confidentiality.
- 381.035. Duty to disclose accurate information to the director and rating organization, penalty for violation.
- 381.038. Retention of records required, limitation, penalty for violation.
- 381.041. Who may transact title insurance business, services allowed — capital requirements.
- 381.042. Rules, authority, procedure.
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- 381.045. Violations, definition of penalties, penalties not exclusive of other remedies and not to restrict rights of third parties.
  - 381.048. Court actions authorized, when.
  - 381.051. Deposit of security with director, form, withdrawal and exchange of — alternative — phase-in of requirement — use of security.
  - 381.052. Persons authorized to conduct title insurance business.
  - 381.055. Powers of title insurer.
  - 381.058. License required for insurer to transact business of title insurance, exclusive to other types of insurance business — limitations — closing or settlement protection authorized.
  - 381.061. Net retained liability, limits — director may waive.
  - 381.062. Establishment and maintenance of minimum paid-in capital and paid-in initial surplus necessary for insurance business license.
  - 381.065. Net retained liability limits, maximum amount — reinsurance allowed — waiver by director of risk, when.
  - 381.068. Investment in title plant, amount restricted, considered asset.
  - 381.072. Reserve requirements, reserve to cover all known claims — unearned premium reserve, amount, actuarial certification required, supplemental reserve, amount, deadline.
  - 381.075. Additional insurance laws applicable to title insurers, insurer's supervision, rehabilitation and liquidation act, exceptions — liquidation or insolvency, treatment of security and escrow funds, filing of claims, cancellation of policies, payment of fully earned premiums.
  - 381.078. Dividends, authorized when.
  - 381.081. Unearned premium reserve, required, amount — release of portion, adjustments.
  - 381.085. Forms, director to approve before use, penalty for violation — withdrawal of approval, notice — contents concerning coverage of policy, when included.
  - 381.088. Insurer may satisfy duty to file premium rates by joining or subscribing to a rate service organization.
  - 381.091. Insolvency of insurer, insurers in process of liquidation or dissolution, use of unearned premium reserve.
  - 381.092. Title insurers and rating organizations to propose premium rates, factors for consideration — rating organization to classify policies or contracts to use as basis for rates.
  - 381.095. Director to review rate filings, approval when, public hearing, duration of approval — procedure for disapproval of filing, hearing, order — right of third party to contest filing, procedure, hearing, order.
  - 381.098. Rating organization for title insurer's license, who eligible, application, contents — issuance, duration, fee, disciplinary action — notification requirements — subscribers, rules, hearings by director, when, procedure.
  - 381.101. Reserves against unpaid losses and expenses, insurers to maintain.
  - 381.102. Insurance rating organization filings, adherence required — uniform percentage of decrease or increase allowed as deviation filing, contents.
  - 381.105. Appeals from rating organization filings, hearing, possible dispositions — rating organization deemed to have rejected proposed change to filings, when, right of appeal.
  - 381.108. Rules and statistical plans for rating systems, department to compile, purpose to promote uniformity among states — information to be exchanged with other states.
  - 381.111. Reinsurance, insurer may obtain.
  - 381.112. Premium tax, premium income defined.
  - 381.115. Licensing required for title agencies and title agents, exceptions, name and information request requirement for title agency — deadline for compliance with this section — delegation of title searches to third party, rules — violations, penalty.
  - 381.118. Continuing education requirements, exemptions — approved courses and programs — teaching credit — credits may be carried forward — extensions and waivers — certification to director of completion — nonresidents — rules — funds, depositing and use — fees for license renewal.
  - 381.121. Investments allowed, title plants — ineligible investments, disposal of.
  - 381.122. Director authorized to inspect books and records.
  - 381.125. Affiliated business arrangements, disclosure required, ownership financial interest reporting, restrictions.
  - 381.131. Agents, fiduciary duty.
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- 381.141. Referrals, general prohibition against — producers may refer business, conditions.
- 381.151. Division of premiums, allowed when.
- 381.161. Requiring use of a particular title insurer, as a condition, prohibited, penalty.
- 381.171. Premiums, not excessive, inadequate or discriminatory — may be classified — director may promulgate rules and regulations.
- 381.181. Premium schedules, to be filed with director, rates to coincide with schedule — establishment of basic classifications of coverage.
- 381.191. Information, experience data, exchange of with other states, allowed.
- 381.201. Use of premium, when allowed — excess charges, allowed, when — public display of premium schedules.
- 381.211. Forms to be used, insurers to file copies with director.
- 381.221. Premium tax, premium income determined.
- 381.231. Rules, authority, procedure.
- 381.241. Inspection of records of insurer, director may examine — may hold hearing, when, extent — may order rating system invalid.
- 381.410. Definitions.
- 381.412. Settlement agents, accepting funds, exemption — title insurer, deposit of funds — violation, fine.
- E. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Sections 53.135, 64.342, 67.547, 67.700, 71.285, 82.817, 140.110, 141.220, 141.540 and 141.610, RSMo 1994, sections 32.105, 32.110, 64.725, 67.582, 135.403, 135.484, 135.766, 137.073, 139.053, 140.160, 393.705, 393.715 and 620.1039, RSMo Supp. 1999, section 141.550 as enacted by house bills nos. 977 and 1608 of the second regular session of the eighty-ninth general assembly, and section 141.550 as enacted by senate bill no. 778 of the second regular session of the eighty-ninth general assembly, are repealed and thirty-two new sections enacted in lieu thereof, to be known as sections 32.105, 32.110, 53.135, 64.337, 64.342, 64.725, 67.547, 67.582, 67.700, 71.285, 82.817, 100.331, 135.403, 135.484, 137.073, 137.721, 139.053, 140.110, 140.160, 141.220, 141.540, 141.550, 141.610, 261.032, 261.037, 261.038, 261.110, 393.705, 393.715, 620.1039, 1 and 2, to read as follows:

**32.105. DEFINITIONS — TAX CREDITS MAY BE TRANSFERRED, SOLD OR ASSIGNED, REQUIREMENTS.**—As used in sections 32.100 to 32.125, the following terms mean:

- (1) "Affordable housing assistance activities", money, real or personal property, or professional services expended or devoted to the construction, or rehabilitation of affordable housing units;
  - (2) "Affordable housing unit", a residential unit generally occupied by persons and families with incomes at or below the levels described in this subdivision and bearing a cost to the occupant no greater than thirty
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percent of the maximum eligible household income for the affordable housing unit. In the case of owner-occupied units, the cost to the occupant shall be considered the amount of the gross monthly mortgage payment, including casualty insurance, mortgage insurance, and taxes. In the case of rental units, the cost to the occupant shall be considered the amount of the gross rent. The cost to the occupant shall include the cost of any utilities, other than telephone. If any utilities are paid directly by the occupant, the maximum cost that may be paid by the occupant is to be reduced by a utility allowance prescribed by the commission. Persons or families are eligible occupants of affordable housing units if the household combined, adjusted gross income as defined by the commission is equal to or less than the following percentages of the median family income for the geographic area in which the residential unit is located, or the median family income for the state of Missouri, whichever is larger; ("geographic area" means the metropolitan area or county designated as an area by the federal Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937, as amended, for purposes of determining fair market rental rates):

| Size of Household | Percent of State or                  |
|-------------------|--------------------------------------|
|                   | Geographic Area Family Median Income |
| One Person        | 35%                                  |
| Two Persons       | 40%                                  |
| Three Persons     |                                      |
| 45%               |                                      |
| Four Persons      |                                      |
| 50%               |                                      |
| Five Persons      |                                      |
| 54%               |                                      |
| Six Persons       | 58%                                  |
| Seven Persons     |                                      |
| 62%               |                                      |
| Eight Persons     |                                      |
| 66%               |                                      |

(3) "Business firm", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state,

or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state;

(4) "Commission", the Missouri housing development commission;

(5) "Community services", any type of counseling and advice, emergency assistance or medical care furnished to individuals or groups in the state of Missouri or transportation services at below-cost rates as provided in sections 208.250 to 208.275, RSMo;

(6) "Crime prevention", any activity which aids in the reduction of crime in the state of Missouri;

(7) "Defense industry contractor", a person, corporation or other entity which will be or has been negatively impacted as a result of its status as a prime contractor of the Department of Defense or as a second or third tier contractor. A "second tier contractor" means a person, corporation or other entity which contracts to perform manufacturing, maintenance or repair services for a prime contractor of the Department of Defense, and a "third tier contractor" means a person, corporation or other entity which contracts with a person, corporation or other entity which contracts with a prime contractor of the Department of Defense;

(8) "Doing business", among other methods of doing business in the state of Missouri, a partner in a firm or a shareholder in an S corporation shall be deemed to be doing business in the state of Missouri if such firm or S corporation, as the case may be, is doing business in the state of Missouri;

(9) "Economic development", the acquisition, renovation, improvement, or the furnishing or equipping of existing buildings and real estate in distressed or blighted areas of the state when such acquisition, renovation, improvement, or the furnishing or equipping of the business development projects will result in the creation or retention of jobs within the state; or, until June 30, 1996, a defense conversion pilot project located in a standard metropolitan statistical area which contains a city with a population of at least three hundred fifty thousand inhabitants, which will assist Missouri-based defense industry contractors in their conversion from predominately defense-related contracting to nondefense-oriented manufacturing. Only neighborhood organizations, as defined in subdivision (13) of this section, may apply to conduct economic development projects. Prior to the approval of an economic development project, the neighborhood organization shall enter into a contractual agreement with the department of economic

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development. Credits approved for economic development projects may not exceed four million dollars from within any one fiscal year's allocation. Neighborhood assistance program tax credits for economic development projects and affordable housing assistance as defined in section 32.111, may be transferred, sold or assigned by a notarized endorsement thereof naming the transferee;

(10) "Education", any type of scholastic instruction or scholarship assistance to an individual who resides in the state of Missouri that enables the individual to prepare himself or herself for better opportunities or community awareness activities rendered by a statewide organization established for the purpose of archeological education and preservation;

**(11) "Eligible farmer's market", a group of farmers, each of whom farms agricultural land located within this state which he or she rents or owns, and who have formed a group for the purpose of allowing each member farmer to sell his or her products derived from his or her farming activities to the public at a common structure or building when at least fifty percent of the costs of such structure or building are paid for by such group of farmers;**

**(12) "Eligible new generation cooperative", as defined in section 348.340, RSMo;**

[(11)] **(13)** "Homeless assistance pilot project", the program established pursuant to section 32.117;

[(12)] **(14)** "Job training", any type of instruction to an individual who resides in the state of Missouri that enables the individual to acquire vocational skills so that the individual can become employable or be able to seek a higher grade of employment;

[(13)] **(15)** "Neighborhood organization", any organization performing community services or economic development activities in the state of Missouri and:

(a) Holding a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation pursuant to the provisions of the Internal Revenue Code; or

(b) Incorporated in the state of Missouri as a not for profit corporation pursuant to the provisions of chapter 355, RSMo; or

(c) Designated as a community development corporation by the United States government pursuant to the provisions of Title VII of the Economic Opportunity Act of 1964; **or**

**(d) Contributing funds to help finance a building or structure or purchase equipment located within this state and used to sell agricultural food products or to add value to food products produced in this state by members of an eligible new generation cooperative; or contributing funds to help finance a building or structure or purchase equipment owned by a not-for-profit organization located within this state and used to sell agricultural food products or to add value to food products produced by family farms as defined in subdivision (4) of section 350.010, RSMo, or family farm corporations as defined in subdivision (5) of section 350.010, RSMo;**

[(14)] **(16)** "Physical revitalization", furnishing financial assistance, labor, material, or technical advice to aid in the physical improvement or rehabilitation of any part or all of a neighborhood area;

[(15)] **(17)** "S corporation", a corporation described in Section 1361(a)(1) of the United States Internal Revenue Code and not subject to the taxes imposed by section 143.071, RSMo, by reason of section 143.471, RSMo;

[(16)] **(18)** "Workfare renovation project", any project initiated pursuant to sections 215.340 to 215.355, RSMo.

**32.110. FIRMS PROVIDING NEIGHBORHOOD ASSISTANCE TO RECEIVE TAX CREDITS.**— Any business firm which engages in the activities of providing physical revitalization, economic development, job training or education for individuals, community services, **eligible farmers' markets** or crime prevention in the state of Missouri shall receive a tax credit as provided in section 32.115 if the director of the department of economic development annually approves the proposal of the business firm; except that, no proposal shall be approved which does not have the endorsement of the agency of local government within the area in which the business firm is engaging in such activities which has adopted an overall community or neighborhood development plan that the proposal is consistent with such plan. The proposal shall set forth the program to be conducted, the neighborhood area to be served, why the program is needed, the estimated amount to be contributed to the program and the plans for implementing the program. If, in the opinion of the director of the department of economic development, a business firm's contribution can more consistently with the purposes of sections 32.100 to 32.125 be made through contributions to a neighborhood organization as defined in subdivision (12) of section 32.105, tax credits

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may be allowed as provided in section 32.115. The director of the department of economic development is hereby authorized to promulgate rules and regulations for establishing criteria for evaluating such proposals by business firms for approval or disapproval and for establishing priorities for approval or disapproval of such proposals by business firms with the assistance and approval of the director of the department of revenue. The total amount of tax credit granted for programs approved pursuant to sections 32.100 to 32.125 shall not exceed fourteen million dollars in fiscal year 1999 and twenty-six million dollars in fiscal year 2000, and any subsequent fiscal year, except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117. All tax credits authorized pursuant to the provisions of sections 32.100 to 32.125 may be used as a state match to secure additional federal funding. **The total amount of tax credits allowed for programs of neighborhood organizations defined pursuant to paragraph (d) of subdivision (15) of section 32.105 is two and one-half million dollars per fiscal year for fiscal years 2002 to 2006.**

**53.135. TRAVEL EXPENSES (THIRD AND FOURTH CLASS COUNTIES).** —The county assessor in counties of the third and fourth [classes] **classification** shall be allowed a reimbursement for actual and necessary travel expenses incurred in the performance of his **or her** official duties within the county at the rate [of fifteen cents per mile] **allowed pursuant to subsection 10 of section 50.333, RSMo**, payable monthly upon the filing of a statement by the assessor with the county commission showing the actual and necessary miles traveled during the month, [except that the total reimbursement received by any assessor in one year shall not exceed two thousand two hundred fifty dollars,] to be paid out of the county treasury.

**64.337. COUNTY COMMISSION AUTHORIZED TO APPOINT AND SET COMPENSATION OF PARK RANGERS — RANGERS, CERTIFICATION BY DEPARTMENT OF PUBLIC SAFETY REQUIRED, POWERS AND DUTIES (CLAY COUNTY).** —**1. In order to furnish security similar to that provided in state parks, the county commission of any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand containing a part of a city with a population over three hundred fifty thousand may appoint and set the compensation of such park rangers, who shall be certified by the director of the department of public safety, as**

provided in chapter 590, RSMo, as it deems necessary for the prompt and proper discharge of its duties relating to the parks and recreational facilities of the county. Such certification shall include one hundred twenty hours of training in addition to that required in section 590.105, RSMo. The salaries of all park rangers appointed pursuant to this section shall be paid in the same manner as the salaries of other county employees.

2. Each park ranger appointed pursuant to this section shall:

(1) Before entering upon the discharge of his or her duties, take and subscribe an oath of office to perform his or her duties faithfully and impartially;

(2) Have full authority, including all the powers given to other peace officers of this state, to preserve the peace, make arrests, and issue citations for violations of any state law or of any rules or regulations adopted by the governing body pursuant to section 64.345, on all land, thoroughfares and waterways within the park boundaries.

3. Park rangers appointed pursuant to this section may carry firearms while engaged in the performance of their official duties only while within the park boundaries, subject to the training requirements of section 590.105, RSMo.

4. All revenues received from fines levied pursuant to subsection 2 of this section shall be deposited into the county school fund and distributed pursuant to section 166.131, RSMo.

**64.342. PARK CONCESSION STANDS OR MARINAS, COUNTY-OPERATED, FUNDS GO TO COUNTY PARK FUND (CLAY COUNTY).—** 1. Section 64.341 to the contrary notwithstanding, the county commission of any [first class nonchartered county] **county of the first classification without a charter form of government with a population of at least one hundred fifty thousand** containing part of a city with a population over [four] **three** hundred **fifty** thousand [and bordering on a lake having at least one hundred and ten miles of shoreline] is hereby authorized to acquire, by purchase or gift, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate, in whole or in part, concession stands **or marinas** within any area contiguous to the lake which is used as a public park, playground, camping site or recreation area.

2. Such concession stands **or marinas** may offer refreshments for sale to the public using such areas and services therein relating to

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boating, swimming, picnicking, golfing, shooting, horseback riding, fishing, tennis and other recreational, cultural and educational uses upon such terms and under such regulations as the county may prescribe.

3. All moneys derived from the operation of concession stands **or marinas** shall be paid into the county treasury and be credited to a "Park Fund" to be established by each county authorized under subsection 1 of this section and be used and expended by the county commission for park purposes.

4. **The provisions of this section authorizing counties concerning marinas shall not apply to any privately operated marina in operation prior to August 28, 2000.**

**64.725. TEMPORARY COUNTY OR TOWNSHIP PLANNING COMMISSION, QUALIFICATIONS, APPOINTMENT, EXPENSES — MASTER PLAN ADOPTION PROCEDURE, BALLOT — COUNTY OR TOWNSHIP PLANNING COMMISSION, ELECTION, TERMS — PETITION PROCEDURE TO APPOINT TEMPORARY COMMISSION.**— 1. As an alternative to the procedures in sections 64.510 to 64.550, the county commission of any county may create a temporary county **or township** planning commission prior to an election to adopt county **or township** planning and zoning. Such planning commission shall prepare a county plan for:

(1) All areas of the county, whether such areas are incorporated or unincorporated, outside the corporate limits of any city, town or village which has adopted a city plan in accordance with the laws of this state[.];  
**or**

(2) **Any individual unincorporated township, separate from the rest of the county, which shall affect only that specific township.**

2. The temporary county planning commission appointed pursuant to **subdivision (1) of subsection 1 of this section** shall consist of the county highway engineer, and one resident from each township of the county appointed by the county commission from the unincorporated area of the county. **The temporary township planning commission appointed pursuant to subdivision (2) of subsection 1 of this section shall consist of the highway engineer, one person appointed by the county commission and three residents of the township for which the plan is proposed.** The members of such planning commission **or commissions** shall serve until a planning commission is elected by the voters of the county **or township**, pursuant to subsection 6 of this section. All members of such temporary planning commission **or commissions** shall serve without compensation, but shall be reimbursed for their actual and

necessary expenses incurred in the performance of their official duties. Such planning commission **or commissions** shall elect a chair at the first meeting of the year to serve for such year until a new chair is elected. The county highway engineer shall be an ex officio member of such planning commission **or commissions**.

3. [The] **Each** temporary planning commission may create and adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and recommendations. [The] **Each** commission may appoint such employees as it deems necessary for its work, and may contract with planners and other consultants for such services as it may require, and may incur other necessary expenses. [The] **Each** commission shall have power to make, adopt and publish a proposal for a master plan of the county **or township** for the purpose of bringing about coordinated physical development in accordance with the present and future needs. The master plan shall be developed so as to conserve the natural resources of the county **or township**, to ensure efficient expenditure of public funds and to promote the health, safety, convenience, prosperity and general welfare of the inhabitants. Such master plan may include, among other things, studies and recommendations relative to the location, character and extent of highways, railroads, bus, streetcar and other transportation routes, bridges, public buildings, schools, parks, parkways, forests, wildlife refuges, dams and projects affecting conservation of natural resources. Before the adoption of the plan, the commission shall hold at least one public hearing thereon, fifteen days' notice of the time and place of which shall be published in at least one newspaper having general circulation within the **affected** county **or township**, and notice of such hearing shall also be posted at least fifteen days in advance thereof in one or more public areas of the courthouse of the county. Such hearing may be adjourned from time to time. The adoption of the plan shall be by resolution carried by not less than a majority vote of the full membership of the temporary county **or township** planning commission.

4. After the temporary county **or township** planning commission has adopted a proposed plan for county **or township** planning and zoning in the county **or township**, the county commission shall submit to the voters of the county **or affected township**, the question of whether the county **or township** should adopt county **or township** planning and zoning as provided in the proposed plan. Such plan shall be available to the voters at least twenty days prior to the election. A notice stating the place or places and times for examining the plan shall be posted in one or

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more public areas of the courthouse of the county, and such notice shall be published in at least one newspaper of general circulation in the county **or township** at least once a week for three consecutive weeks, the last publication to be twenty days prior to the election.

5. The question for the adoption of county **or township** planning and zoning shall be submitted **to the voters of the county, or to the voters of the township, substantially** in [substantially] **either of the following [form] forms, depending on whether such ballot is for township planning and zoning or for county planning and zoning:**

**(1) For township planning and zoning:**

**Shall township planning and zoning as proposed by the township planning commission be adopted in ..... township (insert name of township)?**

☐ YES ☐ NO;

**(2) For planning and zoning county:**

**Shall county planning and zoning as proposed by the county planning commission be adopted?**

☐ YES ☐ NO

6. If a majority of the votes cast **in a county or township** on the question of whether the county **or township** should adopt county **or township** planning and zoning as provided in the proposed plan are in favor of adopting the plan, then the plan shall become immediately effective **in the appropriate county or township**, and an attested copy of the official master plan shall be certified to the county commission, to the recorder of deeds, and to the clerk of each incorporated area covered by the plan or part thereof, **or to the clerk of the appropriate township, if any**, and the temporary county **or township** planning commission shall implement the plan. At the next countywide election[.];

**(1) For countywide plans**, the voters in each township of the unincorporated area of the county shall elect one member from each township to be a member of the county planning commission[.]; **or**

**(2) For township plans**, the voters in the township shall elect **three members to the township planning commission;**

and the county commission shall by order entered of record have the newly elected members of the county **or township** planning commission continue with a program of county **or township** planning and zoning. If a majority of the votes cast on the question of whether the county **or township** should adopt county **or township** planning and zoning as provided in the proposed plan are in opposition to adopting the plan, then it shall be at the discretion of the county commission whether to retain or

dissolve the temporary county **or township** planning commission established pursuant to subsection 1 of this section.

7. The terms of the elected members of the county **or township** planning commission shall be four years or until the member's successor takes office; except that, the terms shall be overlapping and one-half of the members first elected, or if an uneven number one-half plus one, shall be elected for two-year terms and the remaining members shall be elected for four-year terms. The county highway engineer shall be an ex officio member of the county **or township** planning commission. The term of the county highway engineer shall be only for the duration of the engineer's tenure of official position. All members of the county **or township** planning commission shall serve as such without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties. The planning commission shall elect a chair at the first meeting of the year to serve for such year until a new chair is elected. The **county or township** commission shall have all powers granted a county planning commission appointed pursuant to sections 64.510 to 64.695.

8. If the county commission does not appoint a temporary county **or township** planning commission as provided in subsection 1 of this section, the voters of the county **or of any township** may submit a petition, signed by five percent of the number of voters in the county **or township** voting at the last gubernatorial election, calling for the appointment of a temporary county **or township** planning commission. Upon receipt of such a petition, the county commission shall appoint a temporary county **or township** planning commission as provided in subsection 1 of this section.

**67.547. SALES TAX IMPOSED IN COUNTIES, RATE OF TAX —  
ELECTION PROCEDURE — ST. LOUIS COUNTY, DISTRIBUTION OF  
REVENUE, LIMITATION ON USE — ALL-COUNTY TRUST FUND FOR  
OVERPAYMENT REFUNDS AND BAD CHECK REDEMPTION —**

**ABOLISHING TAX, PROCEDURE.** — 1. In addition to the tax authorized by section 67.505, any county may, by a majority vote of its governing body, impose an additional county sales tax on all sales which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section shall be in addition to any and all other sales tax allowed by law; except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a

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county or state general, primary or special election, a proposal to authorize the governing body of the county to impose such tax.

2. The ballot of submission shall contain, but need not be limited to the following language:

Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert rate) percent?

☐ Yes

☐ No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax as herein authorized unless and until the governing body of the county submits another proposal to authorize the governing body of the county to impose the sales tax under the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. The sales tax may be imposed at a rate of **one-eighth of one percent**, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo.

4. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

5. In any first class county having a charter form of government and having a population of nine hundred thousand or more, the proceeds of the sales tax authorized by this section shall be distributed so that an amount equal to three-eighths of the proceeds of the tax shall be distributed to the county and the remaining five-eighths shall be distributed to the cities, towns and villages and the unincorporated area of the county on the ratio that the population of each bears to the total population of the county. The population of each city, town or village and the unincorporated area of the county and the total population of the county shall be determined on the basis of the most recent federal decennial census.

6. In any first class county having a charter form of government and having a population of nine hundred thousand or more, no tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport or recreation, either upon, above or below the ground.

7. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

**67.582. LAW ENFORCEMENT SALES TAX — RATE OF TAX —  
ELECTION PROCEDURE — SPECIAL TRUST FUND ESTABLISHED —  
DUTIES OF DIRECTOR OF REVENUE — REFUNDS, PROCEDURE (ALL  
COUNTIES EXCEPT CERTAIN FIRST CLASS CHARTER COUNTIES).— 1.**

The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred thousand inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a

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county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert amount) for the purpose of providing law enforcement services for the county?

☐ Yes

☐ No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to enter into agreements to form a regional jail district and obligates the county to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of ..... (county's name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the county to impose a countywide sales tax of ..... (insert amount) to fund ..... dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

☐ Yes

☐ No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If a proposal receives less than the required majority, then the governing body of the county shall have no

power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing law enforcement services for such county for so long as the tax shall remain in effect. **Revenue placed in the special trust fund may also be utilized for capital improvement projects for law enforcement facilities and for the payment of any interest and principle on bonds issued for said capital improvement projects.**

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for providing law enforcement services for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "County Law Enforcement Sales Tax Trust Fund". The moneys in the county law enforcement sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county law enforcement sales tax trust fund shall be by an appropriation act to be

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enacted by the governing body of each such county. Expenditures may be made from the fund for any law enforcement functions authorized in the ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

**67.700. SALES TAX FOR CAPITAL IMPROVEMENTS MAY BE IMPOSED IN CERTAIN COUNTIES, PROCEDURE — USE OF REVENUE — TAX EFFECTIVE WHEN — BRACKETS TO BE ESTABLISHED — RATE OF TAX — SALES TAX REVENUE COLLECTED, DEFINED.**— 1. Any county, as defined in section 67.724, may, by ordinance or order, impose a sales tax on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for any capital improvement purpose designated by the county in its ballot of submission to its voters; provided, however, that no ordinance or order enacted pursuant to the authority granted by sections 67.700 to 67.727 shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax under the provisions of sections 67.700 to 67.727. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of ..... (county's name) impose a countywide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert capital improvement purpose)?

☐ YES                      ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax authorized by sections 67.700 to 67.727 unless and until the governing body of the county shall again have submitted another proposal to authorize it to impose the sales tax under the provisions of sections 67.700 to 67.727 and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a county from the tax authorized by sections 67.700 to 67.727 which has been designated for a certain capital improvement purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the voters under subsection 2 of this section or if the tax authorized by sections 67.700 to 67.727 is repealed under section 67.721, all funds remaining in the special trust fund shall continue to be used solely for such designated capital improvement purpose **including the payment of principle and interest on any bonds issued to pay for such capital improvement.** Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

4. The sales tax may be imposed at a rate of **one-eighth of one percent**, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the county adopting such tax, if such property and services are subject to taxation by

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the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo.

5. In addition to the rates provided in subsection 4 of this section, any county of the first class without a charter form of government which adjoins a county of the first class containing part of a city containing more than three hundred fifty thousand inhabitants and which also adjoins a county of the third class having a township form of government shall also be authorized to (1) levy such sales tax at a rate of one-eighth of one percent; or (2) levy such sales tax at a rate of one-fourth of one percent in conjunction with a reduction in its property tax levy or levies for general revenues or for funding the maintenance of roads and bridges, or both, for each year in which the sales tax is imposed. Such reduction shall be in an amount sufficient to decrease the property taxes it will collect by not less than fifty percent of the sales tax revenue collected in the tax year for which the property taxes are being levied. If in the immediately preceding year a county actually collected less sales tax revenue than was projected for purposes of reducing its property tax levy or levies, the county shall adjust its property tax levy or levies for the current year to reflect such decrease. Any such county seeking voter approval of the sales tax alternative authorized in this subsection shall include in the ballot of submission authorized in subsection 2 of this section language clearly stating the appropriate percentage of the sales tax revenue shall be used for property tax reduction as provided herein. For purposes of this subsection, the term "sales tax revenue collected" shall have the meaning provided in section 67.500.

**71.285. WEEDS OR TRASH, CITY MAY CAUSE REMOVAL AND ISSUE TAX BILL, WHEN — CERTAIN CITIES MAY ORDER ABATEMENT AND REMOVE WEEDS OR TRASH, WHEN — SECTION NOT TO APPLY TO CERTAIN CITIES, WHEN — CITY OFFICIAL MAY ORDER ABATEMENT IN CERTAIN CITIES — REMOVAL OF WEEDS OR TRASH, COSTS. — 1.**

Whenever weeds **or trash**, in violation of an ordinance, are allowed to grow **or accumulate, as the case may be**, on any part of any lot or ground within any city, town or village in this state, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. The marshal or other city official as designated in such ordinance shall give a hearing after ten days' notice thereof, either personally or by United States mail to the owner or owners, or his or their agents, or by posting such notice on the premises; thereupon, the marshal or other designated city official may

declare the weeds **or trash** to be a nuisance and order the same to be abated within five days; and in case the weeds **or trash** are not [cut down and] removed within the five days, the marshal or other designated city official shall have the weeds [cut down and] **or trash** removed, and shall certify the costs of same to the city clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per annum. Notwithstanding the time limitations of this section, any city, town or village located in a county of the first classification may hold the hearing provided in this section four days after notice is sent or posted, and may order at the hearing that the weeds **or trash** shall be abated within five business days after the hearing and if such weeds **or trash** are not [cut down and] removed within five business days after the hearing, the order shall allow the city to immediately remove the weeds **or trash** pursuant to this section. Except for lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the department of transportation, the department of natural resources or the department of conservation, the provisions of this subsection shall not apply to any city with a population of at least seventy thousand inhabitants which is located in a county of the first classification with a population of less than one hundred thousand inhabitants which adjoins a county with a population of less than one hundred thousand inhabitants that contains part of a city with a population of three hundred fifty thousand or more inhabitants, any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any city, town or village located within a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, or any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the city of St. Louis, where such city, town or village establishes its own procedures for abatement of weeds **or trash**, and such city may charge its

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costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, **or if trash is allowed to accumulate**, on the same property in violation of an ordinance more than once during the same growing season **in the case of weeds, or more than once during a calendar year in the case of trash**, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the city of St. Louis or in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, the marshal or other designated city official may order that the weeds **or trash** be abated within five business days after notice is sent to or posted on the property. In case the weeds **or trash** are not [cut down and] removed within the five days, the marshal or other designated city official may have the weeds [cut down and] **or trash** removed and the cost of the same shall be billed in the manner described in subsection 1 of this section.

3. If weeds are allowed to grow, **or if trash is allowed to accumulate**, on the same property in violation of an ordinance more than once during the same growing season **in the case of weeds, or more than once during a calendar year in the case of trash**, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the city of St. Louis or in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, the marshal or other designated official may, without further notification, have the weeds [cut down and] **or trash** removed and the cost of the same shall be billed in the manner described in subsection 1 of this section. The provisions of subsection 2 and this subsection do not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

4. The provisions of this section shall not apply to any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification where such city establishes its own procedures for abatement of weeds **or trash**, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

**82.817. DESIGNATED AGENTS FOR CERTAIN LANDOWNERS WITHIN ST. LOUIS CITY — PENALTY.**— 1. All owners of real estate within any city not within a county living outside such city not within a county must designate an agent to accept service of process for any violation of city building or occupancy codes or other city ordinances. The agent's name and address must be registered in the city assessor's **office** by January 1, 1991, and any changes must be reregistered by the owner [there] **thereof** within thirty days after any such change is made. Service of process upon this agent, including service of process by registered mail as authorized pursuant to section 506.150, RSMo, shall be deemed service of process upon the owner. No agent, unless he is the owner of the property, shall be liable for housing code violations relating to the property.

2. Any violation of the provisions of this section is a class B misdemeanor.

**100.331. COMMISSIONERS, NUMBER REDUCED, APPOINTMENT, TERMS, QUALIFICATIONS, VACANCIES — CONSOLIDATION PLAN AUTHORIZED (ST. LOUIS CITY).**— 1. **Notwithstanding the provisions of section 100.330 or any other provision of law to the contrary, beginning August 28, 2000, the number of commissioners in any city not within a county shall be five; provided that, by the process of attrition the number of commissioners shall be reduced from fifteen to five by the expiration of the terms of currently serving commissioners and nonreplacement of any vacancies.**

**Commissioners shall be appointed for a term of four years each. All commissioners shall be appointed by the mayor of any such city, shall be taxpayers of the city, and shall have resided in the city for five years immediately prior to their appointment. All vacancies shall be filled by the mayor of the city for the unexpired term, subsequent to the time the number of commissioners is reduced to five by attrition.**

2. **At any time, the governing body of a city not within a county may adopt a plan of consolidation to combine the planned industrial expansion authority of such city with the land reutilization authority of such city.**

**135.403. TAX CREDIT FOR QUALIFIED INVESTMENT IN MISSOURI SMALL BUSINESSES AND QUALIFIED INVESTORS IN COMMUNITY BANKS OR COMMUNITY DEVELOPMENT CORPORATIONS — CREDIT EVIDENCED BY CERTIFICATE, LIMITATION OF AMOUNT OF INVESTMENT ELIGIBLE**

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**FOR TAX CREDIT.**—1. Any investor who makes a qualified investment in a Missouri small business shall be entitled to receive a tax credit equal to forty percent of the amount of the investment or, in the case of a qualified investment in a Missouri small business in a distressed community as defined by section 135.530, a credit equal to sixty percent of the amount of the investment, and any investor who makes a qualified investment in a community bank or a community development corporation shall be entitled to receive a tax credit equal to fifty percent of the amount of the investment if the investment is made in a community bank or community development corporation for direct investment [into a targeted area as defined in section 135.400]. The total amount of tax credits available for qualified investments in Missouri small businesses shall not exceed thirteen million dollars and at least four million dollars of the amount authorized by this section and certified by the department of economic development shall be for investment in Missouri small businesses in distressed communities. Authorization for all or any part of this four million dollar amount shall in no way restrict the eligibility of Missouri small businesses in distressed communities, as defined in section 135.530, for the remaining amounts authorized within this section. No more than twenty percent of the tax credits available each year for investments in community banks or community development corporations for direct investment [into a targeted area] shall be certified for any one project, as defined in section 135.400. The tax credit shall be evidenced by a tax credit certificate in accordance with the provisions of sections 135.400 to 135.430 and may be used to satisfy the state tax liability of the owner of the certificate that becomes due in the tax year in which the qualified investment is made, or in any of the ten tax years thereafter. When the qualified small business is in a distressed community, as defined in section 135.530, the tax credit may also be used to satisfy the state tax liability of the owner of the certificate that was due during each of the previous three years in addition to the year in which the investment is made and any of the ten years thereafter. No investor may receive a tax credit pursuant to sections 135.400 to 135.430 unless that person presents a tax credit certificate to the department of revenue for payment of such state tax liability. The department of revenue shall grant tax credits in the same order as established by subsection 1 of section 32.115, RSMo. Subject to the provisions of sections 135.400 to 135.430, certificates of tax credit issued in accordance with these sections may be transferred, sold or assigned by notarized endorsement thereof which names the transferee.

2. [The amount of qualified investments which can be made is limited so that the aggregate of all tax credits authorized pursuant to the provisions of sections 135.400 to 135.430 shall not exceed nineteen million dollars. Six million] **Five hundred thousand** dollars in tax credits shall be available **annually from the total amount of tax credits authorized by section 32.110 and subdivision 4 of subsection 2 of section 32.115** as a result of investments in community banks or community development corporations. Aggregate investments eligible for tax credits in any one Missouri small business shall not be more than one million dollars. Aggregate investments eligible for tax credits in any one Missouri small business shall not be less than five thousand dollars as of the date of issuance of the first tax credit certificate for investment in that business.

**135.484. LIMITATION ON AVAILABLE TAX CREDITS, ALLOCATION OF AVAILABLE CREDITS.**—1. Beginning January 1, 2000, tax credits shall be allowed pursuant to section 135.481 in an amount not to exceed sixteen million dollars per year. Of this total amount of tax credits in any given year, eight million dollars shall be set aside for projects [involving eligible residences] **in areas described in subdivision (6) of section 135.478** and eight million dollars for projects [involving qualifying residences] **in areas described in subdivision (10) of section 135.478**. The maximum tax credit for a project consisting of multiple-unit qualifying residences in a distressed community shall not exceed three million dollars.

2. Any amount of credit which exceeds the taxliability of a taxpayer for the tax year in which the credit is first claimed may be carried back to any of the taxpayer's three prior tax years and carried forward to any of the taxpayer's five subsequent tax years. A certificate of tax credit issued to a taxpayer by the department may be assigned, transferred, sold or otherwise conveyed. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit and the value of the credit.

3. The tax credits allowed pursuant to sections 135.475 to 135.487 may not be claimed in addition to any other state tax credits, with the exception of the historic structures rehabilitation tax credit authorized pursuant to sections 253.545 to 253.559, RSMo, which insofar as sections 135.475 to 135.487 are concerned may be claimed only in conjunction with the tax credit allowed pursuant to subsection 4 of

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section 135.481. In order for a taxpayer eligible for the historic structures rehabilitation tax credit to claim the tax credit allowed pursuant to subsection 4 of section 135.481, the taxpayer must comply with the requirements of sections 253.545 to 253.559, RSMo, and in such cases, the amount of the tax credit pursuant to subsection 4 of section 135.481 shall be limited to the lesser of twenty percent of the taxpayer's eligible costs or forty thousand dollars.

**[135.766. TAX CREDIT FOR GUARANTY FEE PAID BY SMALL BUSINESSES, WHEN.** — An eligible small business, as defined in Section 44 of the Internal Revenue Code, shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to any amount paid by the eligible small business to the United States Small Business Administration as a guaranty fee pursuant to obtaining Small Business Administration guaranteed financing and to programs administered by the United States Department of Agriculture for rural development or farm service agencies.]

**137.073. DEFINITIONS — REVISION OF PRIOR LEVY, WHEN, PROCEDURE.** — 1. As used in this section, the following terms mean:

- (1) "General reassessment", changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;
- (2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;
- (3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate

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ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books, the county clerk in all counties and the assessor of St. Louis city shall notify each political subdivision wholly or partially within the county or St. Louis city of the change in valuation, exclusive of new construction and improvements. All political subdivisions shall immediately revise the rates of levy for each purpose for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year, except that the rate may not exceed the greater of the rate in effect in the 1984 tax year or the most recent voter-approved rate. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor shall be limited to

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the actual assessment growth within the political subdivision, exclusive of new construction and improvements, but not to exceed the consumer price index or five percent, whichever is lower.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling in the prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive for the three-year period preceding such determination.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term "improvements" shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. The assessor shall certify the amount of new construction and improvements for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on June first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term "property" means all taxable property, including state assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in

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establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be the current tax rate ceiling. The increased tax rate ceiling as approved may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval.

6. Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. **Each taxing authority shall express its proposed tax rate in a**

**fraction equal to the nearest one/one hundredth of a cent. A taxing authority shall round up a fraction greater than or equal to five/one thousandth of one cent to the next higher one/one hundredth of a cent.** Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, **within fifteen days of the date of receipt**, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. **If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate.** The county clerk shall **immediately** forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. [The auditor's findings are advisory for the information of the taxing authority and the public.] **The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor.** A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. **If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the**

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**perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.**

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any

taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. A taxing authority, including but not limited to a township, county collector, or collector of taxes, responsible for determining and collecting the amount of residential real property tax levied in its jurisdiction, shall report such amount of tax collected by December thirty-first of each year such property is assessed, to the state tax commission. The state tax commission shall compile the tax data by county or taxing jurisdiction and submit a report to the general assembly no later than January thirty-first of the following year.

**137.721. PERCENTAGE OF AD VALOREM PROPERTY TAX COLLECTIONS TO BE DEPOSITED IN COUNTY ASSESSMENT FUND (CERTAIN FIRST CLASS COUNTIES).—Notwithstanding the provisions of section 137.720, in all counties which become counties of the first classification after September 1, 2000, one percent of all ad valorem taxes allocable to the county and each taxing authority within the county shall continue to be deducted from taxes collected on the first five hundred million dollars of assessed valuation, and one-half percent collected on the remainder, and deposited in the assessment fund. The one-percent fee shall be assigned among the political subdivisions by the assessor, who shall determine the percentage of total valuation in the county divided into five hundred million dollars. The collector shall retain one percent of that percentage of each political subdivision's property taxes, and one-half percent of the remainder, for the assessment fund.**

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**139.053. PROPERTY TAXES, HOW PAID — ESTIMATES — INTEREST — REFUNDS.**— 1. The governing body of any county, excluding township counties, may by ordinance or order provide for the payment of all or any part of current real and personal property taxes which are owed, at the option of the taxpayer, on an annual, semiannual or quarterly basis at such times as determined by such governing body.

2. The ordinance shall provide the method by which the amount of property taxes owed for the current tax year in which the payments are to be made shall be estimated. The collector shall submit to the governing body the procedures by which taxes will be collected pursuant to the ordinance or order. The estimate shall be based on the previous tax year's liability. A taxpayer's payment schedule shall be based on the estimate divided by the number of pay periods in which payments are to be made. The taxpayer shall at the end of the tax year pay any amounts owed in excess of the estimate for such year. The county shall at the end of the tax year refund to the taxpayer any amounts paid in excess of the property tax owed for such year. No interest shall be paid by the county on excess amounts owed to the taxpayer. Any refund paid the taxpayer pursuant to this subsection shall be an amount paid by the county only once in a calendar year.

3. If a taxpayer fails to make an installment payment of a portion of the real or personal property taxes owed to the county, then such county may charge the taxpayer interest on the [entire] amount of [such] property taxes **still** owed for that year.

4. Any governing body enacting the ordinance or order specified in this section shall first agree to provide the county collector with reasonable and necessary funds to implement the ordinance or order.

**140.110. COLLECTION OF BACK TAXES, PAYMENTS APPLIED, HOW, EXCEPTIONS — REMOVAL OF LIEN.**— 1. The collectors of the respective counties shall collect the taxes contained in the back tax book. Any person interested in or the owner of any tract of land or lot contained in the back tax book may redeem the tract of land or town lot, or any part thereof, from the state's lien thereon, by paying to the proper collector the amount of the original taxes, as charged against the tract of land or town lot described in the back tax book together with interest from the day upon which the tax first became delinquent at the rate specified in section 140.100.

2. Any payment for personal [or real] property taxes received by the county collector shall first be applied to any back delinquent personal

taxes [and to each individual parcel of real estate] on the back tax book before a county collector accepts any payment for all or any part of [real or] personal property taxes due and assessed on the current tax book.

**3. Any payment for real property taxes received by the county collector shall first be applied to back delinquent taxes on the same individual parcel of real estate on the back tax book before a county collector accepts payment for real property taxes due and assessed on the current tax book.**

**4. Subsection 3 of this section shall not apply to payment for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations which they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal Regulations.**

**140.160. LIMITATION OF ACTIONS, EXCEPTIONS — COUNTY AUDITOR TO FURNISH DELINQUENT TAX LIST.** — 1. No proceedings for the sale of land and lots for delinquent taxes [under the provisions of] **pursuant to** this chapter, relating to the collection of delinquent and back taxes and providing for foreclosure sale and redemption of land and lots therefor, shall be valid unless initial proceedings therefor shall be commenced within three years after delinquency of such taxes, and any sale held pursuant to initial proceedings commenced within such period of three years shall be deemed to have been in compliance with the provisions of said law insofar as the time at which such sales are to be had is specified therein; provided further, that in suits or actions to collect delinquent drainage and/or levee assessments on real estate such suits or actions shall be commenced within three years after delinquency, otherwise no suit or action therefor shall be commenced, had or maintained, **except that the three-year limitation described in this subsection shall not be applicable if any written instrument conveys any real estate having a tax-exempt status, if such instrument causes such real estate to again become taxable real property and if such instrument has not been recorded in the office of the recorder in the county in which the real estate has been situated. Such three-year limitation shall only be applicable once the recording of the title has occurred.**

2. In order to enable county and city collectors to be able to collect delinquent and back taxes, the county auditor in all counties having a county auditor shall annually audit and list all delinquent and back taxes and provide a copy of such audit and list to the county collector and to

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the governing body of the county. A copy of the audit and list may be provided to city collectors within the county at the discretion of the county collector.

**141.220. DEFINITIONS (FIRST CLASS CHARTER COUNTIES, AND CLAY AND BUCHANAN COUNTIES).**—The following words, terms and definitions, when used in sections 141.210 to 141.810, shall have the meanings ascribed to them in this section, except where the text clearly indicates a different meaning:

(1) "Appraiser" shall mean an [independent] appraiser **licensed or certified pursuant to chapter 393, RSMo, who is** not an employee of the collector or collection authority;

(2) "Collector" shall mean the collector of the revenue in any county affected by sections 141.210 to 141.810;

(3) "County" shall mean any county of **the first** class [one] in this state **having a charter form of government**, [except counties] **any county** of the first class not having a charter form of government[, which is now operating under the provisions of sections 141.210 to 141.810, or which may hereafter elect to do so in accordance with the provisions of section 141.230] **with a population of at least one hundred fifty thousand but less than one hundred sixty thousand and any county of the first class not having a charter form of government with a population of at least eighty- two thousand but less than eighty-five thousand**;

(4) "Court" shall mean the circuit court of any county affected by sections 141.210 to 141.810;

(5) "Delinquent land tax attorney" shall mean a licensed attorney at law, employed or designated by the collector as hereinafter provided;

(6) "Land taxes" shall mean taxes on real property or real estate and shall include the taxes both on land and the improvements thereon;

(7) "Land trustees" and "land trust" shall mean the land trustees and land trust as the same are created by and described in section 141.700;

(8) "Municipality" shall include any incorporated city or town, or a part thereof, located in whole or in part within a county of class one, which municipality now has or which may hereafter contain a population of two thousand five hundred inhabitants or more, according to the last preceding federal decennial census;

(9) "Person" shall mean any individual, male or female, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver or trustee appointed by any state or federal court,

trustee otherwise created, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(10) "School district", "road district", "water district", "sewer district", "levee district", "drainage district", "special benefit district", "special assessment district", or "park district" shall include those located within a county as such county is described in subdivision (3) of this section;

(11) "Sheriff" and "circuit clerk" shall mean the sheriff and circuit clerk, respectively, of any county affected by sections 141.210 to 141.810;

(12) "Tax bill" as used in sections 141.210 to 141.810 shall represent real estate taxes and the lien thereof, whether general or special, levied and assessed by any taxing authority;

(13) "Tax district" shall mean the state of Missouri and any county, municipality, school district, road district, water district, sewer district, levee district, drainage district, special benefit district, special assessment district, or park district, located in any municipality or county as herein described;

(14) "Tax lien" shall mean the lien of any tax bill as defined in subdivision (12) of this section;

(15) "Taxing authority" shall include any governmental, managing, administering or other lawful authority, now or hereafter empowered by law to issue tax bills, the state of Missouri or any county, municipality, school district, road district, water district, sewer district, levee district, drainage district, special benefit district, special assessment district, or park district, affected by sections 141.210 to 141.810.

**141.540. PLACE OF SALE — FORM OF ADVERTISEMENT — NOTICE TO BE POSTED ON LAND AND SENT TO CERTAIN PERSONS, PROCEDURE (FIRST CLASS CHARTER COUNTIES, AND CLAY AND BUCHANAN COUNTIES).** — 1. In any county [having more than one courthouse] at a certain front door of [which] **whose courthouse** sales of real estate are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell the respective parcels of real estate ordered sold by him **or her** pursuant to any judgment of foreclosure by any court [under] **pursuant to** sections 141.210 to 141.810 at any of [said] **such** courthouses, but the sale of such parcels of real estate shall be held at the same front door as sales of real estate are customarily made by the sheriff under execution.

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2. Such advertisements may include more than one parcel of real estate, and shall be in substantially the following form:

NOTICE OF SHERIFF'S SALE  
UNDER JUDGMENT OF  
FORECLOSURE OF LIENS FOR  
DELINQUENT LAND TAXES

No. ....

In the Circuit Court of .....

County, Missouri.

In the Matter of Foreclosure of Liens

for Delinquent Land Taxes

Collector of Revenue of .....

County, Missouri,

Plaintiff,

— vs. —

Parcels of Land encumbered with

Delinquent Tax Liens,

Defendants.

WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest, penalties, attorney's fees and costs with the serial numbers of each parcel of real estate, the description thereof, the name of the person appearing in the petition in the suit, and the total amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and costs, all as set out in said judgment and described in each case, respectively, as follows: (Here set out the respective serial numbers, descriptions, names and total amounts of each judgment, next above referred to.) and,

WHEREAS, such judgment orders such real estate sold by the undersigned sheriff, to satisfy the total amount of such judgment, including interest, penalties, attorney's fees and costs,

NOW, THEREFORE,

Public Notice is hereby given that I ....., Sheriff of ..... County, Missouri, will sell such real estate, parcel by parcel, at public auction, to the highest bidder, for cash, between the hours of nine o'clock A.M. and five o'clock P.M., at the ..... front door of the ..... County Courthouse in ....., Missouri, on ....., the ..... day of ....., [19] **20** .., and continuing from day to day thereafter, to satisfy the judgment as to each respective parcel of real estate sold. If no acceptable bids are received as to any parcel of real estate, said parcel shall be sold to the Land Trust of ..... (**insert name of** County), Missouri.

Any bid received shall be subject to confirmation by the court.

.....  
Sheriff of ..... County,  
Missouri.

.....  
Delinquent Land Tax Attorney  
Address: .....  
First Publication .....,  
[19] 20...

3. Such advertisement shall be published four times, once a week, upon the same day of each week during successive weeks prior to the date of such sale, in a daily newspaper of general circulation regularly published in the county, qualified according to law for the publication of public notices and advertisements.

4. In addition to the provisions herein for notice and advertisement of sale, the county collector shall enter upon the property subject to foreclosure of these tax liens and post a written informational notice in any conspicuous location thereon. This notice shall describe the property and advise that it is the subject of delinquent land tax collection proceedings before the circuit court brought pursuant to sections 141.210 to 141.810 and that it may be sold for the payment of delinquent taxes at a sale to be held at [a specific time] **ten o'clock a.m.**, date and place, and shall also contain a file number and the address and phone number of the collector. If the collector chooses to post such notices as authorized by this subsection, such posting must be made not later than the fourteenth day prior to the date of the sale.

5. The collector shall, concurrently with the beginning of the publication of sale, cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the persons named in the petition as being the last known persons in whose names tax bills affecting the respective parcels of real estate described in said petition were last billed or charged on the books of the collector, or the last known owner of record, if different, and to the addresses of said persons upon said records of the collector. The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal authorities that the addressee refused

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to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any person who, from such records, appears as a successor to the person to whom the original notice was addressed, and to cause another notice to be mailed to such person. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected of any such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, or in the event that any name or address does not appear on the records of the collector, then of that fact. The affidavit in addition to the recitals set forth above shall also state reason for the nondelivery of such notice.

6. The collector may, at his **or her** option, concurrently with the beginning of the publication of sale, cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the mortgagee or security holder, if known, of the respective parcels of real estate described in said petition, and to the addressee of [said] **such** mortgagee or security holder according to the records of the collector. The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any security holder who, from such records, appears as a successor to the security holder to whom the original notice was addressed, and to cause another notice to be mailed to such security holder. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected by any such notices

of sale that are undeliverable because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, and stating the reason for the nondelivery of such notice.

**141.550. CONDUCT OF SALE — INTERESTS CONVEYED — SPECIAL SALE PROCEDURES FOR CERTAIN COUNTIES, CERTAIN OWNERS PROHIBITED FROM BIDDING — COST OF PUBLICATION (FIRST CLASS CHARTER COUNTIES, AND CLAY AND BUCHANAN COUNTIES).**— 1. The sale shall be conducted, the sheriff's return thereof made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 141.210 to 141.810, and provided that such sale need not occur during the term of court or while the court is in session.

2. The following provisions shall apply to any sale [under] **pursuant to** this section of property located within any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand:

(1) The sale shall be held on the day for which it is advertised, between the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day thereafter to satisfy the judgment as to each respective parcel of real estate sold;

(2) The sale shall be conducted publicly, by auction, for ready money. The highest bidder shall be the purchaser unless the highest bid is less than the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon. No person shall be eligible to bid at the time of the sale [if that] **unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of the official charged by law with conducting the sale that he or she is not the owner of any parcel of real estate in the county which is affected by a tax bill which has been delinquent for more than six months and is not the owner of any parcel of real property with two or more convictions based on violations occurring within a two-year period of the municipality's building or housing codes. A prospective bidder may make such a demonstration by presenting statements from the appropriate collection and code enforcement officials of the municipality.**

3. Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way

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thereon of public utilities upon which tax has been otherwise paid, and subject to the lien thereon, if any, of the United States of America.

4. The collector shall advance the sums necessary to pay for the publication of all advertisements required by sections 141.210 to 141.810 and shall be allowed credit therefor in his **or her** accounts with the county. [He] **The collector** shall give credit in such accounts for all such advances recovered by him **or her**. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs herein enumerated, including the costs of publication, shall constitute any lien upon the real estate after such sale.

**[141.550. CONDUCT OF SALE — INTERESTS CONVEYED — SPECIAL SALE PROCEDURES FOR CERTAIN COUNTIES, CERTAIN OWNERS PROHIBITED FROM BIDDING — COST OF PUBLICATION (FIRST CLASS CHARTER COUNTIES, AND CLAY AND BUCHANAN COUNTIES).—** 1. The sale shall be conducted, the sheriff's return of the sale made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 141.210 to 141.810, and provided that such sale need not occur during the term of court or while the court is in session.

2. The sale shall be held on the day for which it is advertised, between the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day thereafter to satisfy the judgment as to each respective parcel of real estate sold.

3. The sale shall be conducted publicly, by auction, for ready money. The highest bidder shall be the purchaser unless the highest bid is less than the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due on the real estate. No person shall be eligible to bid on a parcel at the time of the sale if such person is the owner of any other parcel of real estate in the county which is affected by a delinquent tax bill.

4. Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way thereon of public utilities upon which tax has been otherwise paid, and subject to the lien on the real estate, if any, of the United States of America.

5. The collector shall advance the sums necessary to pay for the publication of all advertisements required by sections 141.210 to 141.810

and shall be allowed credit therefor in the collector's accounts with the county. The collector shall give credit in such accounts for all such advances recovered by the collector. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs enumerated in this section, including the costs of publication, shall constitute any lien upon the real estate after such sale.]

**141.610. COURT ADMINISTRATOR'S, SHERIFF'S DEED, EFFECT — ACTION TO SET ASIDE, LIMITATIONS (FIRST CLASS CHARTER COUNTIES).**— Each **court administrator's or sheriff's deed** given pursuant to the provisions of the land tax collection law shall be presumptive evidence that the suit and all proceedings therein and all proceedings prior thereto from and including assessment of the lands affected thereby and all notices required by law were regular and in accordance with all provisions of the law relating thereto. After two years from the date of the recording of such **court administrator's or sheriff's deed**, the presumption shall be conclusive[, unless at the time that this section takes effect the two-year period since the recording of such sheriff's deed has expired, or less than six months of such period of two years remains unexpired, in which latter case the presumption shall become conclusive six months after] **pursuant to** sections 141.210 to 141.810 [take effect]. **Notwithstanding section 516.010, RSMo**, no suit to set aside or to attack the validity of any such **court administrator's or sheriff's deed** shall be commenced or maintained unless the suit is filed [prior to the time that the presumption becomes conclusive, as aforesaid] **within two years from the date the court administrator's or sheriff's deed is recorded.**

**261.032. DIRECTOR OF DEPARTMENT OF AGRICULTURE TO CATEGORIZE PRODUCTS INCLUDED IN STATE AGRICULTURAL MARKETING PROGRAM.**— **The director of the department of agriculture shall, for the use of the marketing division of the department of agriculture, develop and implement rules and regulations by product category for all Missouri agricultural products included in the AgriMissouri marketing program or any equivalent successor program. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536,**

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RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

**261.037. MISSOURI AGRICULTURAL PRODUCTS MARKETING DEVELOPMENT FUND, CREATED, PURPOSES — CITIZENS' ADVISORY COMMISSION FOR MARKETING MISSOURI AGRICULTURAL PRODUCTS, CREATED, PURPOSES, DUTIES, MEMBERSHIP — TRADEMARK FEES. — 1.** There is hereby created in the state treasury for the use of the marketing division of the state department of agriculture a fund to be known as "The Missouri Agricultural Products Marketing Development Fund". The general assembly shall appropriate to the fund from the general revenue fund one million three hundred thousand dollars for fiscal year 2002, one million dollars for fiscal year 2003 and seven hundred fifty thousand dollars for fiscal years 2004 to 2006. All moneys received by the state department of agriculture for Missouri agricultural products marketing development from any source, including trademark fees, shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the state department of agriculture, be expended by the marketing division of the state department of agriculture for purposes of Missouri agricultural products marketing development as specified in this section. The unexpended balance in the Missouri agricultural products marketing development fund at the end of the biennium shall not be transferred to the ordinary revenue fund of the state treasury and accordingly shall be exempt from the provisions of section 33.080, RSMo, relating to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

2. There is hereby created within the department of agriculture the "Citizens' Advisory Commission for Marketing Missouri Agricultural Products". The commission shall establish guidelines for the spending by the marketing division of the department of agriculture of all moneys in the Missouri agricultural products marketing development fund created pursuant to subsection 1 of this section. The guidelines shall focus on the promotion of the

**AgriMissouri or successor trademark associated with Missouri agricultural products which has been approved by the general assembly, and shall advance the following objectives:**

**(1) Increasing the impact and fostering the effectiveness of local efforts to promote Missouri agricultural products;**

**(2) Enabling and encouraging expanded advertising efforts for Missouri agricultural products;**

**(3) Encouraging effective, high-quality advertising projects, innovative marketing strategies, and the coordination of local, regional and statewide marketing efforts;**

**(4) Providing training and technical assistance to cooperative-marketing partners.**

**The commission shall establish a fee structure for sellers electing to use the AgriMissouri or successor trademark associated with Missouri agricultural products. Under the fee structure: (1)**

**A seller having gross annual sales greater than two million dollars per fiscal year of Missouri agricultural products which constitute the final product of a series of processes or activities shall remit to the marketing division of the department of agriculture, at such times and in such manner as may be prescribed, a trademark fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of products carrying the AgriMissouri or successor trademark; and (2) All sellers having gross annual sales less than or equal to two million dollars per fiscal year of Missouri agricultural products which constitute the final product of a series of processes or activities shall, after three years of selling Missouri agricultural products carrying the AgriMissouri or successor trademark, shall remit to the marketing division of the department of agriculture, at such times and in such manner as may be prescribed, a trademark fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of products carrying the AgriMissouri or successor trademark. All trademark fees shall be deposited to the credit of the Missouri agricultural products marketing development fund, created pursuant to section 261.037. The commission may also create two additional trademark labels to be associated with Missouri agricultural products which are certified organic products and certified family farm produced products.**

**3. The marketing division of the department of agriculture is authorized to promote rules consistent with the guidelines and fee**

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structure established by the commission. No rule or portion of a rule shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

4. The commission shall consist of nine members appointed by the governor with the advice and consent of the senate. One member shall be the director of the market development division of the department of agriculture. At least one member shall be a specialist in advertising; at least one member shall be a specialist in agribusiness; at least one member shall be a specialist in the retail grocery business; at least one member shall be a specialist in communications; at least one member shall be a specialist in product distribution; at least one member shall be a family farmer with expertise in livestock farming; at least one member shall be a family farmer with expertise in grain farming and at least one member shall be a family farmer with expertise in organic farming. Members shall serve for four-year terms, except in the first appointments three members shall be appointed for terms of four years, three members shall be appointed for terms of three years and three members shall be appointed for terms of two years each. Any member appointed to fill a vacancy of an unexpired term shall be appointed for the remainder of the term of the member causing the vacancy. The governor shall appoint a chairperson of the commission, subject to ratification by the commission.

5. Commission members shall receive no compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties on the commission. The division of market development of the department of agriculture shall provide all necessary staff and support services as required by the commission to hold commission meetings, to maintain records of official acts and to conduct all other business of the commission. The commission shall meet quarterly and at any such time that it deems necessary. Meetings may be called by the chairperson or by a petition signed by a majority of the members of the commission. Ten days notice shall be given in writing to such members prior to the meeting date. A simple majority of the members of the commission shall be present to constitute a quorum. Proxy voting shall not be permitted.

**261.038. DEPARTMENT OF AGRICULTURE TO CREATE WEB SITE TO FOSTER MARKETING OF MISSOURI AGRICULTURAL PRODUCTS.—The**

**marketing division of the department of agriculture shall create an Internet web site for the purpose of fostering the marketing of Missouri agricultural products over the Internet. The web site shall allow consumers to place orders for Missouri agricultural products over the Internet and shall enable small companies which process Missouri agricultural products to pool products with other such small companies.**

**261.110. DEPARTMENT OF AGRICULTURE TO DEVELOP STANDARDS AND LABELING FOR ORGANIC FARMING. — 1. The department of agriculture shall develop standards and labeling for organic farming.**

**2. The department of agriculture shall adopt rules to implement the provisions of this section.**

**3. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

**393.705. DEFINITIONS. —**As used in sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295, the following terms shall, unless the context clearly indicates otherwise, have the following meanings:

(1) "Bond" or "bonds", any bonds, interim certificates, notes, debentures or other obligations of a commission issued pursuant to sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295;

(2) "Commission", any joint municipal utility commission established by a joint contract under sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295;

(3) "Contracting municipality", each municipality which is a party to a joint contract establishing a commission under sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295, a water supply district formed under the provisions of chapter 247, RSMo, or a sewer district formed pursuant to the provisions of chapter 204, RSMo, or chapter 249, RSMo;

(4) "Joint contract", the contract entered into among or by and between two or more [contracting municipalities, between municipalities and public water supply districts, or between municipalities and sewer districts] **of the following contracting entities** for the purpose of establishing a commission:

**(a) Municipalities;**

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- (b) **Public water supply districts;**
- (c) **Sewer districts;**
- (d) **Nonprofit water companies; or**
- (e) **Nonprofit sewer companies;**

(5) "Person", a natural person, cooperative or private corporation, association, firm, partnership, or business trust of any nature whatsoever, organized and existing under the laws of any state or of the United States and any municipality or other municipal corporation, governmental unit, or public corporation created under the laws of this state or the United States, and any person, board, or other body declared by the laws of any state or the United States to be a department, agency or instrumentality thereof;

(6) "Project", the purchasing, construction, extending or improving of any revenue-producing water, sewage, gas or electric light works, heating or power plants, including all real and personal property of any nature whatsoever to be used in connection therewith, together with all parts thereof and appurtenances thereto, used or useful in the generation, production, transmission, distribution excluding retail sales, purchase, sale, exchange, transport and treatment of sewage or interchange of water, sewage, electric power and energy, or any interest therein or right to capacity thereof and the acquisition of fuel of any kind for any such purposes.

**393.715. POWERS OF COMMISSION — PURCHASE OF PRIVATE WATER UTILITY SERVING OUTSIDE MUNICIPAL LIMITS, EFFECT — SUCCESSORSHIP, CONTINUED AND NEW SERVICE AUTHORIZED, WHEN.**  
— 1. The general powers of a commission to the extent provided in section 393.710 herein and subject to the provisions of section 393.765 herein shall include the power to:

(1) Plan, develop, acquire, construct, reconstruct, operate, manage, dispose of, participate in, maintain, repair, extend or improve one or more projects, either exclusively or jointly or by participation with electric cooperative associations, municipally owned or public utilities or acquire any interest in or any rights to capacity of a project, within or outside the state, and act as an agent, or designate one or more other persons participating in a project to act as its agent, in connection with the planning, acquisition, construction, operation, maintenance, repair, extension or improvement of such project;

(2) Acquire, sell, distribute and process fuels necessary to the production of electric power and energy; provided, however, the

commission shall not have the power or authority to erect, own, use or maintain a transmission line which is parallel or generally parallel to another transmission line in place within a distance of two miles, which serves the same general area sought to be served by the commission unless the public service commission finds that it is not feasible to utilize the transmission line which is in place;

(3) Acquire by purchase or lease, construct, install, and operate reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water and to own and hold such real and personal property as may be necessary to carry out the purposes of its organization; provided, however, that a commission shall not sell or distribute water, at retail or wholesale, within the certificated area of a water corporation which is subject to the jurisdiction of the public service commission unless the sale or distribution of water is within the boundaries of a public water supply district or municipality which is a contracting municipality in the commission and the commission has obtained the approval of the public service commission prior to commencing such said sale or distribution of water;

(4) Acquire by purchase or lease, construct, install, and operate lagoons, pipelines, wells, pumping stations, sewage treatment plants and other facilities for the treatment and transportation of sewage and to own and hold such real and personal property as may be necessary to carry out the purposes of its organization;

(5) Enter into operating, franchises, exchange, interchange, pooling, wheeling, transmission and other similar agreements with any person;

(6) Make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the commission;

(7) Employ agents and employees;

(8) Contract with any person, within or outside the state, for the construction of any project or for any interest therein or any right to capacity thereof, without advertising for bids, preparing final plans and specifications in advance of construction, or securing performance and payment of bonds, except to the extent and on such terms as its board of directors shall determine. Any contract entered into pursuant to this subdivision shall contain a provision that the requirements of sections 290.210 to 290.340, RSMo, shall apply;

(9) Purchase, sell, exchange, transmit, treat, dispose or distribute water, sewage, gas, heat or electric power and energy, or any by-product resulting therefrom, within and outside the state, in such amounts as it

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shall determine to be necessary and appropriate to make the most effective use of its powers and to meet its responsibilities, and to enter into agreements with any person with respect to such purchase, sale, exchange, treatment, disposal or transmission, on such terms and for such period of time as its board of directors shall determine. A commission may not sell or distribute water, gas, heat or power and energy, or sell sewage service at retail to ultimate customers outside the boundary limits of its contracting municipalities except pursuant to subsection 2 or 3 of this section;

(10) Acquire, own, hold, use, lease, as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property, commodity or service or interest therein;

(11) Exercise the powers of eminent domain for public use as provided in chapter 523, RSMo, except that the power of eminent domain shall not be exercised against any electric cooperative association, municipally owned or public utility;

(12) Incur debts, liabilities or obligations including the issuance of bonds pursuant to the authority granted in section 27 of article VI of the Missouri Constitution;

(13) Sue and be sued in its own name;

(14) Have and use a corporate seal;

(15) Fix, maintain and revise fees, rates, rents and charges for functions, services, facilities or commodities provided by the commission;

(16) Make, and from time to time, amend and repeal, bylaws, rules and regulations not inconsistent with this section to carry into effect the powers and purposes of the commission;

(17) Notwithstanding the provisions of any other law, invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities and other investments as the commission deems proper;

(18) Join organizations, membership in which is deemed by the board of directors to be beneficial to accomplishment of the commission's purposes;

(19) Exercise any other powers which are deemed necessary and convenient by the commission to effectuate the purposes of the commission; and

(20) Do and perform any acts and things authorized by this section under, through or by means of an agent or by contracts with any person.

2. When a municipality purchases a privately owned water utility and a commission is created pursuant to sections 393.700 to 393.770, the commission may continue to serve those locations previously receiving water from the private utility even though the location receives such service outside the geographical area of the municipalities forming the commission. New water service may be provided in such areas if the site to receive such service is located within one-fourth of a mile from a site serviced by the privately owned water utility.

**3. When a commission created by any of the contracting entities listed in subdivision (4) of section 393.705 becomes a successor to any nonprofit water corporation, nonprofit sewer corporation or other nonprofit agency or entity organized to provide water or sewer service, the commission may continue to serve, as well as provide new service to, those locations and areas previously receiving water or sewer service from such nonprofit entity, regardless of whether or not such location receives such service outside the geographical service area of the contracting entities forming such commission; provided that such locations and areas previously receiving water and sewer service from such nonprofit entity are not located within:**

**(a) Any county of the first classification with a population of more than six hundred thousand and less than nine hundred thousand;**

**(b) The boundaries of any sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution; or**

**(c) The certificated area of a water or sewer corporation that is subject to the jurisdiction of the public service commission.**

**620.1039. TAX CREDIT FOR QUALIFIED RESEARCH EXPENSES, EXCEPTION — CERTIFICATION BY DIRECTOR OF ECONOMIC DEVELOPMENT — TRANSFER OF CREDITS, APPLICATION, RESTRICTIONS AND PROCEDURE — LIMITATIONS ON CREDIT. — 1.** As used in this section, the term "taxpayer" means an individual, a partnership, or a corporation as described in section 143.441, 143.471, RSMo, or section 148.370, RSMo, and the term "qualified research expenses" has the same meaning as prescribed in 26 U.S.C. 41.

**2. For tax years beginning on or after January 1, [1994,] 2001, the director of the department of economic development may authorize a taxpayer [may be allowed] to receive a tax credit against the tax otherwise due pursuant to chapter 143, RSMo, or chapter 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265,**

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RSMo, [if approved by the director of the department of economic development,] in an amount up to six and one-half percent of the excess of the taxpayer's qualified research expenses, as certified by the director of the department of economic development, within this state during the taxable year over the average of the taxpayer's qualified research expenses within this state over the immediately preceding three taxable years; except that, no tax credit shall be allowed on that portion of the taxpayer's qualified research expenses incurred within this state during the taxable year in which the credit is being claimed, to the extent such expenses exceed two hundred percent of the taxpayer's average qualified research expenses incurred during the immediately preceding three taxable years. [In order to receive a tax credit pursuant to this section, certification by the director of the department of economic development shall be required as proof that the taxpayer made qualified research expenses during the taxable year.]

3. The director of economic development shall prescribe the manner in which the tax credit may be [claimed] **applied for**. The tax credit [allowed] **authorized** by this section may be claimed by the taxpayer to offset the tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, that becomes due in the tax year during which such qualified research expenses were incurred. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next five succeeding taxable years or until the full credit has been claimed, whichever first occurs. The application for [claiming] tax credits [allowed in] **authorized by the director pursuant to** subsection 2 of this section shall be made [in] **no later than the end of** the taxpayer's tax period immediately following the tax period for which the credits are being claimed.

4. **Certificates of tax credit issued pursuant to this section may be transferred, sold or assigned by filing a notarized endorsement thereof with the department which names the transferee and the amount of tax credit transferred. The director of economic development may allow a taxpayer to transfer, sell or assign up to forty percent of the amount of the certificates of tax credit issued to and not claimed by such taxpayer pursuant to this section during any tax year commencing on or after January 1, 1996, and ending not later than December 31, 1999. Such taxpayer shall file, by December 31, 2001, an application with the department which names the transferee, the amount of tax credit desired to be transferred, and a certification that the funds received by the applicant as a**

**result of the transfer, sale or assignment of the tax credit shall be expended within three years at the state university for the sole purpose of conducting research activities agreed upon by the department, the taxpayer, and the state university. Failure to expend such funds in the manner prescribed pursuant to this section shall cause the applicant to be subject to the provisions of section 620.017.**

5. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

[4.] **6.** The aggregate of all tax credits authorized pursuant to this section shall not exceed [ten] **nine million seven hundred thousand** dollars in any [taxable] year.

**SECTION 1. RESIDENTS MAY ELECT TO BE REMOVED FROM A PUBLIC WATER SUPPLY DISTRICT IF UNABLE TO RECEIVE SERVICES, PROCEDURE, LIABILITY FOR COSTS (FRANKLIN COUNTY).— Any person who resides within the boundary of a public water supply district located in any county of the first classification with a population of more than eighty thousand and less than eighty-three thousand inhabitants and who is unable to receive services from such district due to the district's failure to provide such services may elect to be removed from such district by sending a written and signed request for removal via certified mail to the district. The district shall, upon receipt of such request, remove such resident from the district. If the resident elects to be removed from the district, the resident shall compensate the district for any costs incurred by the district for such resident's removal from the district and for any attempts by the district to provide service to such**

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resident prior to the certified date that the district received the request for removal.

**SECTION 2. DEPARTMENT OF NATURAL RESOURCES SHALL VERIFY COMPLIANCE WITH CORRECTIVE ACTION PLANS FOR HAZARDOUS WASTE MANAGEMENT.**—All corrective action plans approved by the department pursuant to sections 260.350 to 260.430, RSMo, shall require the department, upon notice by the owner or operator that the approved plan has been completed, to verify within ninety days that the corrective action plan has been complied with and completed. The department shall issue a letter within thirty business days to the owners or operators certifying the completion and compliance.

**SECTION B. EFFECTIVE DATE.**—Sections 135.403 and 620.1039 of this act shall become effective January 1, 2001.

**SECTION C. ENACTING CLAUSE.**—Section 178.870, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 178.870, to read as follows:

**178.870. TAX RATES, LIMITS — HOW INCREASED AND DECREASED.**  
—Any tax imposed on property subject to the taxing power of the junior college district under article X, section 11(a) of the constitution without voter approval shall not exceed the annual rate of ten cents on the hundred dollars assessed valuation in districts having one billion **five hundred million** dollars or more assessed valuation; twenty cents on the hundred dollars assessed valuation in districts having [five] **seven** hundred **fifty** million dollars but less than one billion **five hundred million** dollars assessed valuation; thirty cents on the hundred dollars assessed valuation in districts having [two] **five** hundred [fifty] million dollars but less than [five] **seven** hundred **fifty** million dollars assessed valuation; forty cents on the hundred dollars assessed valuation in districts having less than [two] **five** hundred [fifty] million dollars assessed valuation; except that, no public junior college district having an assessed valuation in excess of one hundred million and less than two hundred fifty million which is levying an operating levy of thirty cents per one hundred dollars assessed valuation on September 28, 1975, shall increase such levy above thirty cents per one hundred dollars assessed valuation without voter approval. Tax rates specified in this section that

were in effect in 1984 shall not be lowered due to an increase in assessed valuation created by general reassessment; however, the provisions of section 137.073, RSMo, or section 22(a) of article X of the Missouri Constitution are applicable. Districts which operate institutions awarding degrees above the associate degree shall not be affected by the changes provided in this section. Increases of the rate with voter approval shall be made in the manner provided in chapter 164, RSMo, for school districts.

**SECTION D. ENACTING CLAUSE.**—Sections 381.011, 381.021, 381.041, 381.051, 381.061, 381.081, 381.091, 381.101, 381.111, 381.121, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221 and 381.241, RSMo 1994, and sections 381.031, 381.231, 381.410 and 381.412, RSMo Supp. 1999, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 381.003, 381.009, 381.015, 381.018, 381.022, 381.025, 381.028, 381.032, 381.035, 381.038, 381.042, 381.045, 381.048, 381.052, 381.055, 381.058, 381.062, 381.065, 381.068, 381.072, 381.075, 381.078, 381.085, 381.088, 381.092, 381.095, 381.098, 381.102, 381.105, 381.108, 381.112, 381.115, 381.118, 381.122, 381.125, 381.410 and 381.412, to read as follows:

**381.003. TITLE INSURANCE LAW, APPLICATION — PERSONS, TITLE INSURERS AND TITLE AGENCIES — APPLICATION OF GENERAL INSURANCE CODE.**—**1. Sections 381.003 to 381.125 shall be known and may be cited as the "Missouri Title Insurance Act".**

**2. Sections 381.009 to 381.048 shall apply to all persons engaged in the business of title insurance in this state. Sections 381.052 to 381.112 shall apply to all title insurers engaged in the business of title insurance in this state. Sections 381.115 to 381.125 shall apply to all title agencies engaged in the business of title insurance in this state.**

**3. Except as otherwise expressly provided in this chapter and except where the context otherwise requires, all provisions of the insurance code applying to insurance and insurance companies generally shall apply to title insurance, title insurers and title agents.**

**381.009. DEFINITIONS.**—As used in this chapter, the following terms mean:

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(1) "Abstract of title" or "abstract", a written history, synopsis or summary of the recorded instruments affecting the title to real property;

(2) "Affiliate", a specific person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified;

(3) "Affiliated business", any portion of a title insurance agency's business written in this state that was referred to it by a producer of title insurance business or by an associate of the producer, where the producer or associate, or both, have a financial interest in the title agency;

(4) "Associate", any:

(a) Business organized for profit in which a producer of title business is a director, officer, partner, employee or an owner of a financial interest;

(b) Employee of a producer of title business;

(c) Franchisor or franchisee of a producer of title business;

(d) Spouse, parent or child of a producer of title insurance business who is a natural person;

(e) Person, other than a natural person, that controls, is controlled by, or is under common control with, a producer of title business;

(f) Person with whom a producer of title insurance business or any associate of the producer has an agreement, arrangement or understanding, or pursues a course of conduct, the purpose or effect of which is to provide financial benefits to that producer or associate for the referral of business;

(5) "Bona fide employee of the title insurer", an individual who devotes substantially all of his or her time to performing services on behalf of a title insurer and whose compensation for those services is in the form of salary or its equivalent paid by the title insurer;

(6) "Control", including the terms "controlling", "controlled by" and "under common control with", the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position or corporate office held by the person. Control shall be presumed to exist if a person, directly or indirectly, owns, controls, holds with the power to vote or

holds proxies representing ten percent or more of the voting securities of another person. This presumption may be rebutted by showing that control does not exist in fact. The director may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support the determination, that control exists in fact, notwithstanding the absence of a presumption to that effect;

(7) "County" or "counties" includes any city not within a county;

(8) "Direct operations", that portion of a title insurer's operations which are attributable to business written by a bona fide employee;

(9) "Director", the director of the department of insurance, or the director's representatives;

(10) "Escrow", written instruments, money or other items deposited by one party with a depository, escrow agent or escrowee for delivery to another party upon the performance of a specified condition or the happening of a certain event;

(11) "Escrow, settlement or closing fee", the consideration for supervising or handling the actual execution, delivery or recording of transfer and lien documents and for disbursing funds;

(12) "Financial interest", a direct or indirect legal or beneficial interest, where the holder is or will be entitled to five percent or more of the net profits or net worth of the entity in which the interest is held;

(13) "Foreign title insurer", any title insurer incorporated or organized pursuant to the laws of any other state of the United States, the District of Columbia, or any other jurisdiction of the United States;

(14) "Geographically indexed or retrievable", a system of keeping recorded documents which includes as a component a method for discovery of the documents by:

(a) Searching an index arranged according to the description of the affected land; or

(b) An electronic search by description of the affected land;

(15) "Net retained liability", the total liability retained by a title insurer for a single risk, after taking into account any ceded liability and collateral, acceptable to the director, and maintained by the insurer;

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(16) "Non-U.S. title insurer", any title insurer incorporated or organized pursuant to the laws of any foreign nation or any province or territory;

(17) "Premium", the consideration paid by or on behalf of the insured for the issuance of a title insurance policy or any endorsement or special coverage. It does not include consideration paid for settlement or escrow services or noninsurance-related information services;

(18) "Producer", any person, including any officer, director or owner of five percent or more of the equity or capital of any person, engaged in this state in the trade, business, occupation or profession of:

- (a) Buying or selling interests in real property;
- (b) Making loans secured by interests in real property; or
- (c) Acting as broker, agent, representative or attorney of a person who buys or sells any interest in real property or who lends or borrows money with the interest as security;

(19) "Qualified depository institution", an institution that is:

(a) Organized or, in the case of a United States branch or agency office of a foreign banking organization, licensed pursuant to the laws of the United States or any state and has been granted authority to operate with fiduciary powers;

(b) Regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies;

(c) Insured by the appropriate federal entity; and

(d) Qualified under any additional rules established by the director;

(20) "Referral", the directing or the exercising of any power or influence over the direction of title insurance business, whether or not the consent or approval of any other person is sought or obtained with respect to the referral;

(21) "Search", "search of the public records" or "search of title", a search of those records established by the laws of this state for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge;

(22) "Security" or "security deposit", funds or other property received by the title insurer as collateral to secure an indemnitor's obligation under an indemnity agreement pursuant to which the insurer is granted a perfected security interest in the collateral in

exchange for agreeing to provide coverage in a title insurance policy for a specific title exception to coverage;

(23) "Subsidiary", an affiliate controlled by a person directly or indirectly through one or more intermediaries;

(24) "Title agency" means an authorized person who issues title insurance on behalf of a title insurer. An attorney licensed to practice law in this state who issues title insurance as a part of his or her law practice, but does not maintain or operate a title insurance business separate from such law practice is not a title agency;

(25) "Title agent" or "agent", an attorney licensed to practice law in this state who issues title insurance as part of his or her law practice, but who is not affiliated with or acting on behalf of a title agency, or an authorized person who, on behalf of a title agency or on behalf of a title agent not affiliated with a title agency, performs one or more of the following acts in conjunction with the issuance of a title insurance commitment or policy:

(a) Determines insurability, based upon a review of a search of title;

(b) Performs searches;

(c) Handles escrows, settlements or closings; or

(d) Solicits or negotiates title insurance business;

(26) "Title insurance business" or "business of title insurance":

(a) Issuing as insurer or offering to issue as insurer a title insurance policy;

(b) Transacting or proposing to transact by a title insurer any of the following activities when conducted or performed in contemplation of and in conjunction with the issuance of a title insurance policy:

a. Soliciting or negotiating the issuance of a title insurance policy;

b. Guaranteeing, warranting or otherwise insuring the correctness of title searches for all instruments affecting titles to real property, any interest in real property, cooperative units and proprietary leases and for all liens or charges affecting the same;

c. Handling of escrows, settlements or closings;

d. Executing title insurance policies;

e. Effecting contracts of reinsurance; or

f. Abstracting, searching or examining titles;

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(c) Guaranteeing, warranting or insuring searches or examinations of title to real property or any interest in real property;

(d) Guaranteeing or warranting the status of title as to ownership of or liens on real property by any person other than the principals to the transaction;

(e) Promising to purchase or repurchase for consideration an indebtedness because of a title defect, whether or not involving a transfer of risk to a third person; or

(f) Promising to indemnify the holder of a mortgage or deed of trust against loss from the failure of the borrower to pay the mortgage or deed of trust when due if the property fails to yield sufficient proceeds upon foreclosure to satisfy the debt, when one or both of the following conditions exist:

a. The security has been impaired by the discovery of a previously unknown property interest in favor of one who is not liable for the payment of the mortgage or deed of trust; or

b. Perfection of the position of the mortgage or deed of trust which was assured to exist cannot be obtained, notwithstanding timely recordation with the recorder of deeds of the county in which the property is located; or

(g) Doing or proposing to do any business substantially equivalent to any of the activities listed in this subdivision in a manner designed to evade the provisions of this chapter;

(27) "Title insurance commitment" or "commitment", a preliminary report, commitment or binder issued prior to the issuance of a title insurance policy containing the terms, conditions, exceptions and other matters incorporated by reference under which the title insurer is willing to issue its title insurance policy. A title insurance commitment is not an abstract of title;

(28) "Title insurance policy" or "policy", a contract insuring or indemnifying owners of, or other persons lawfully interested in, real property or any interest in real property, against loss or damage arising from any or all of the following conditions existing on or before the policy date and not excepted or excluded:

(a) Title to the estate or interest in land being otherwise than as stated in the policy;

(b) Defects in or liens or encumbrances on the insured title;

(c) Unmarketability of the insured title;

(d) Lack of legal right of access to the land;

(e) Invalidity or unenforceability of the lien of an insured mortgage;

(f) The priority of a lien or encumbrance over the lien of any insured mortgage;

(g) The lack of priority of the lien of an insured mortgage over a statutory lien for services, labor or material;

(h) The invalidity or unenforceability of an assignment of the insured mortgage; or

(i) Rights or claims relating to the use of or title to the land;

(29) "Title insurer" or "insurer", a company organized pursuant to laws of this state for the purpose of transacting the business of title insurance and any foreign or non-U.S. title insurer licensed in this state to transact the business of title insurance;

(30) "Title plant", a set of records encompassing at least the most recent forty-five years, consisting of documents, maps, surveys or entries affecting title to real property or any interest in or encumbrance on the property, which have been filed or recorded in the jurisdiction for which the title plant is established or maintained. The records in the title plant shall be geographically indexed or retrievable as to those records containing a legal description of affected land, and otherwise by name of affected person;

(31) "Underwrite", the authority to accept or reject risk on behalf of the title insurer.

**[381.011. TITLE INSURANCE LAW, PURPOSE.** — 1. Sections 381.011 to 381.241 shall be known and may be cited as the "Missouri Title Insurance Act".

2. The purpose of sections 381.011 to 381.241 is to provide the state of Missouri with a comprehensive body of law for the effective regulation and supervision of title insurance business transacted within this state in response to the McCarran-Ferguson Act, Sections 1011-1015, Title 15, United States Code.]

**381.015. TITLE INSURANCE COMMITMENT, REQUIRED STATEMENT, WHEN — LENDER'S INSURANCE POLICY WITHOUT OWNER'S TITLE INSURANCE, NOTICE GIVEN WHEN, CONTENTS, RETENTION — PENALTY FOR VIOLATION.** — 1. When a title insurance commitment issued by a title insurer, title agency or title agent includes an offer to issue an owner's policy covering the resale of owner- occupied residential

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property, the commitment shall incorporate the following statement in bold type:

**"Please read the exceptions and the terms shown or referred to herein carefully. The exceptions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered."**

**2. A title insurer, title agency or title agent issuing a lender's title insurance policy in conjunction with a mortgage loan made simultaneously with the purchase of all or part of the real estate securing the loan, where no owner's title insurance policy has been requested, shall give written notice, on a form prescribed or approved by the director, to the purchaser- mortgagor at the time the commitment is prepared. The notice shall explain that a lender's title insurance policy is to be issued protecting the mortgage-lender, and that the policy does not provide title insurance protection to the purchaser- mortgagor as the owner of the property being purchased. The notice shall explain what a title policy insures against and what possible exposures exist for the purchaser-mortgagor that could be insured against through the purchase of an owner's policy. The notice shall also explain that the purchaser- mortgagor may obtain an owner's title insurance policy protecting the property owner at a specified cost or approximate cost, if the proposed coverages are or amount of insurance is not then known. A copy of the notice, signed by the purchaser- mortgagor, shall be retained in the relevant underwriting file at least fifteen years after the effective date of the policy.**

**3. Each violation of any provision of this section is a class C violation as that term is defined in section 381.045.**

**381.018. WRITTEN CONTRACT WITH TITLE INSURER REQUIRED FOR COMMITMENT OR POLICY ISSUANCE, STATEMENT OF FINANCIAL CONDITION WHEN, CONTENTS, REVIEW AND NOTIFICATION REQUIREMENTS, INVENTORY, PROOF OF LICENSURE, PENALTY FOR VIOLATION.—1. The title insurer shall not allow the issuance of its commitments or policies by a title agency or title agent not affiliated with a title agency unless there is in force a written contract between the parties which sets forth the responsibilities of each party or, where both parties share responsibility for particular functions, specifies the division of responsibilities.**

2. For each title agency or title agent not affiliated with a title agency under contract with the insurer, the title insurer shall have on file a statement of financial condition, of each title agency or title agent as of the end of the previous calendar or fiscal year setting forth an income statement of business done during the preceding year and a balance sheet showing the condition of its affairs as of the close of the prior year, certified by the agency or agent as being a true and accurate representation of the agency's or agent's financial condition. The statement shall be filed with the insurer no later than the date the agency's or agent's federal income tax return for the same year is filed. Attorneys actively engaged in the practice of law, in addition to that related to title insurance business, are exempt from the requirements of this subsection.

3. The title insurer shall conduct reviews of the underwriting, claims and escrow practices of its agencies and agents which shall include a review of the agency's or agent's policy blank inventory and processing operations. If any such title agency or title agent does not maintain separate bank or trust accounts for each title insurer it represents, the title insurer shall verify that the funds held on its behalf are reasonably ascertainable from the books of account and records of the title agency or title agent not affiliated with a title agency. The title insurer shall conduct a review of each of its agencies and agents at least triennially commencing January first of the year first following the effective date of sections 381.003 to 381.125.

4. Within thirty days of executing or terminating a contract with a title agency or title agent not affiliated with a title agency, the insurer shall provide notification of the appointment or termination and the reason for termination to the director. Notices of appointment of a title agency or title agent shall be made on a form promulgated by the director.

5. The title insurer shall maintain an inventory of all policy numbers allocated to each title agency or title agent not affiliated with a title agency.

6. The title insurer shall have on file proof that the title agency or title agent is licensed by this state.

7. The title insurer shall establish the underwriting guidelines and, where applicable, limitations on title claims settlement authority to be incorporated into contracts with its title agencies and title agents not affiliated with a title agency.

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**8. Each violation of any provision of this section is a class B violation as that term is defined in section 381.045.**

**[381.021. APPLICABILITY OF LAW. —** 1. Sections 381.011 to 381.241 shall apply to all persons engaged in the business of title insurance in this state.

2. Except as otherwise expressly provided in sections 381.011 to 381.241, and except where the context otherwise requires, all provisions of the insurance laws of this state applying to insurance and insurance companies generally shall apply to title insurance and title insurance companies. No law of this state enacted after September 28, 1987, that is inconsistent with the provisions of such sections shall be applicable to the business of title insurance unless such law specifically states that it is to be applicable to the business of title insurance.

3. Nothing in sections 381.011 to 381.241 shall be construed to authorize the practice of law by any person who is not duly admitted to practice law in this state nor shall it be construed to authorize the director to regulate the practice of law or the sale of real estate.]

**381.022. TITLE INSURER, AGENCY OR AGENT NOT AFFILIATED WITH A TITLE AGENCY MAY OPERATE AS AN ESCROW, SECURITY, SETTLEMENT OR CLOSING AGENT, WHEN, PENALTY FOR VIOLATIONS.**

**— 1. A title insurer, title agency or title agent not affiliated with a title agency may operate as an escrow, security, settlement or closing agent, provided that:**

**(1) All funds deposited with the title insurer, title agency or title agent not affiliated with a title agency in connection with any escrow, settlement, closing or security deposit shall be submitted for collection to or deposited in a separate fiduciary trust account or accounts in a qualified depository institution no later than the close of the next business day after receipt, in accordance with the following requirements:**

**(a) The funds shall be the property of the person or persons entitled to them under the provisions of the escrow, settlement, security deposit or closing agreement and shall be segregated for each depository by escrow, settlement, security deposit or closing in the records of the title insurer, title agency or title agent not affiliated with a title agency, in a manner that permits the funds to be identified on an individual basis and in accordance with the terms**

of the individual instructions or agreements under which the funds were accepted; and

(b) The funds shall be applied only in accordance with the terms of the individual instructions or agreements under which the funds were accepted;

(2) Funds held in an escrow account shall be disbursed only pursuant to a written instruction or agreement specifying under what conditions and to whom such funds may be disbursed or pursuant to an order of a court of competent jurisdiction;

(3) Funds held in a security deposit account shall be disbursed only pursuant to a written agreement specifying:

(a) What actions the indemnitor shall take to satisfy his or her obligation under the agreement;

(b) The duties of the title insurer, title agency or title agent not affiliated with a title agency with respect to disposition of the funds held, including a requirement to maintain evidence of the disposition of the title exception before any balance may be paid over to the depositing party or his or her designee; and

(c) Any other provisions the director may require;

(4) Any interest received on funds deposited in connection with any escrow, settlement, security deposit or closing may be retained by the title insurer, title agency or title agent not affiliated with a title agency as compensation for administration of the escrow or security deposit, unless the instructions for the funds or a governing statute provides otherwise;

(5) Each violation of this subsection is a class A violation as that term is defined in section 381.045.

2. The title agency or title agent not affiliated with an agency shall cooperate with its underwriters in the conduct by the underwriters of reviews of the agency's or agent's escrow, settlement, closing and security deposit accounts. The title insurer shall provide a copy of the report of each such review it performs to the director. The director may promulgate rules setting forth the minimum threshold level at which a review would be required, the standards thereof and the form of report required.

3. If the title agency or title agent not affiliated with an agency is appointed by two or more title insurers and maintains fiduciary trust accounts in connection with providing escrow or closing settlement services, the title agency or title agent shall allow each title insurer reasonable access to the accounts and any or all of the

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supporting account information in order to ascertain the safety and security of the funds held by the title agency or title agent.

4. (1) Nothing in this chapter shall be deemed to prohibit the recording of documents prior to the time funds are available for disbursement with respect to a transaction in which a title insurer, title agency or title agent not affiliated with a title agency is the settlement agent, provided all parties to whom payment will become due upon such recording consent thereto in writing;

(2) The settlement agent shall record all deeds and security instruments for real estate closings handled by it within three business days after completion of all conditions precedent thereto;

(3) Each violation of this subsection is a class C violation as that term is defined in section 381.045.

**381.025. CONSIDERATION FOR REFERRALS PROHIBITED, VIOLATION A MISDEMEANOR — STANDING FOR INJUNCTIVE RELIEF AGAINST VIOLATOR, WHEN, COSTS AND FEES AWARDED.—1.** A title insurer, title agency, title agent or other person shall not give or receive, directly or indirectly, any consideration for the referral of title insurance business or escrow or other service provided by a title insurer, title agency or title agent. Each violation of this subsection is a class A violation as that term is defined in section 381.045.

2. Any title insurer, title agency or title agent doing business in the same county as a title insurer, title agency or title agent who may be in violation of the prohibitions or limitations of this section shall have standing to seek injunctive relief against the violating title insurer, title agency or title agent in the event the department declines or fails to enforce this section within forty-five days following receipt of written notice of such violation. In any action pursuant to this subsection, the court may award to the successful party the court costs of the action together with reasonable attorney fees.

**381.028. TITLE INSURERS, AGENCIES AND AGENTS PROHIBITED FROM ENGAGING IN TRANSACTIONS CONDITIONED ON USE OF PARTICULAR TITLE INSURER, PENALTY FOR VIOLATION.—No title insurer, title agency or title agent shall participate in any transaction in which it knows that a producer or other person requires, directly or indirectly, or through any trustee, director, officer, agent, employee or affiliate, as a condition, agreement or understanding to**

**selling or furnishing any other person a loan, or loan extension, credit, sale, property, contract, lease or service, that the other person shall place a title insurance policy of any kind with the title insurer or through a particular title agency or agent. Each violation of this section is a class A violation as that term is defined in section 381.045.**

**[381.031. DEFINITIONS.** — As used in sections 381.011 to 381.241, the following terms mean:

(1) "Alien title insurer", any title insurer incorporated or organized under the laws of any foreign nation or any province or territory thereof;

(2) "Applicant", a person, whether or not a prospective insured, who applies to a title insurer or title agent, or agency for a title insurance policy and who, at the time of the application, is not a title agent or agency;

(3) "Approved attorney", an attorney at law who is not an agent or employee of a title insurer, and whose certification as to status of title a title insurer is willing to accept as the basis for issuance of its title insurance policy;

(4) "Charge", any fee billed by a title agent, agency, or title insurer for the performance of services other than fees that fall within the definition of premium in this section. "Charge" includes, but is not limited to, fees for document preparation, fees for the handling of escrows, settlements, or closing, and fees for services commenced but not completed. "Charge" does not include fees collected by a title insurer, title agency, or title agent in an escrow, settlement or closing when the fees are limited to the amount billed for services rendered by an entity independent of the title insurer, title agent, or agency;

(5) "Controlled business", any portion of a title insurer's, title agency's or title agent's business of title insurance in this state, referred to it by any producer of title business or by any associate of such producer, where the producer of title business, the associate, or both, have a financial interest in the title insurer, title agency, or title agent to which business is referred;

(6) "Director", the director of the department of insurance;

(7) "Domestic title insurer", a title insurer organized under the laws of this state;

(8) "Escrow, settlement or closing fee", the consideration for supervising the actual execution, delivery or recording of transfer and lien documents and for disbursing funds;

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(9) "Financial interest", any interest, legal or beneficial, that entitles the holder directly or indirectly to one percent or more of the net profits or net worth of the entity in which the interest is held, but does not include payments of principal or interest made to a mortgage holder of the title agency;

(10) "Foreign title insurer", any title insurer organized under the laws of any other state of the United States, the District of Columbia, or any other jurisdiction of the United States;

(11) "Gross operating revenue", all amounts received by a title insurer, title agency, or title agent from premiums and charges;

(12) "Net retained liability", the total liability retained by a title insurer for a single risk, after taking into account the deduction for ceded reinsured liability, if any;

(13) "Person", any natural person, partnership, association, cooperative, corporation, trust, or other legal entity;

(14) "Premium", risk rates charged to the insured;

(15) "Producer of title business" or "producer", any person, including any officer, director, or owner of five percent or more of the equity or capital of any person, engaged in this state in the trade, business, occupation or profession of:

(a) Buying or selling interests in real property;

(b) Making loans secured by interests in real property; or

(c) Acting as broker, agent, representative or attorney of a person who buys or sells any interest in real property or who lends or borrows money with such interest as security;

(16) "Single risk", the insured amount of any title insurance policy, except that where two or more title insurance policies are issued simultaneously covering different estates in the same real property, "single risk" means the sum of the insured amounts of all such title insurance policies. Any title insurance policy insuring a mortgage interest, a payment under which reduces the insured amount of a fee or leasehold title insurance policy, shall be excluded in computing the amount of a single risk to the extent that the insured amount of the mortgagee title insurance policy does not exceed the insured amount of the fee or leasehold title insurance policy;

(17) "Title agent" or "title insurance agent", any authorized agent of a title insurer or representative of the title agent or agency, who acts as a title agent in the solicitation of, negotiation for, or procurement or making of any title insurance contract. The following persons are not title agents or title insurance agents:

- (a) Approved attorneys;
  - (b) Salaried officers or employees of title insurers, title agents or title insurance agencies who do not do any of the following:
    - a. Establish premiums for policies of title insurance;
    - b. Determine insurability; or
    - c. Issue commitments, policies or other contracts of title insurance;
  - (18) "Title insurance agency" or "agency", any individual transacting or doing business under any name other than his true name, any partnership, unincorporated association or corporation, transacting or doing business with the public or title insurance companies as a title insurance agent;
  - (19) "Title insurance business" or "business of title insurance" means:
    - (a) Issuing as insurer or offering to issue as insurer a title insurance policy;
    - (b) Transacting or proposing to transact by a title insurer, title agency, or title agent any of the following activities when conducted or performed by a title agent, title agency, or title insurer in conjunction with the issuance of its title insurance:
      - a. Soliciting or negotiating the issuance of a title insurance policy;
      - b. Guaranteeing, warranting, or otherwise insuring the correctness of title searches;
      - c. Handling of escrows, settlements, or closings;
      - d. Execution of title insurance policies, reports, commitments, binders, and endorsements;
      - e. Effecting contracts of reinsurance; or
      - f. Abstracting, searching, or examining titles;
    - (c) Transacting by a title insurer, title agent, or agency of matters subsequent to the issuance of a title insurance policy and arising out of it; or
    - (d) Doing or proposing to do any business in substance equivalent to any of the foregoing in order to evade any provision of this act;
  - (20) "Title insurance policy" or "policy", a contract insuring or indemnifying against loss or damage arising from any or all of the following:
    - (a) Defects in or liens or encumbrances on the insured title;
    - (b) Unmarketability of the insured title; or
    - (c) Invalidity or unenforceability of liens or encumbrances on the stated property. "Title insurance policy" does not include a preliminary report, binder, commitment, or abstract;
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(21) "Title insurer", a company organized under laws of this state for the purpose of transacting as insurer the business of title insurance and any foreign or alien title insurer engaged in this state in the business of title insurance as insurer;

(22) "Title plant", an index of the records of a county which imparts constructive notice to purchasers of real property, which encompasses at least the most recent forty-five years. The index shall be kept geographically as to those records containing a legal description of affected land, and otherwise by name of affected person.]

**381.032. PREMIUM RATE SCHEDULES AND MANUAL, TITLE INSURERS TO FILE WITH DIRECTOR, DEADLINE FOR FILING RATE SCHEDULES, VIOLATIONS, PENALTY — FEES FOR LEGAL SERVICES EXEMPT — RECORDING AND REPORTING RULES — CONFIDENTIALITY.**

**— 1. No title insurer, may charge any rates regulated by the state after the effective date of sections 381.003 to 381.125, except in accordance with the premium rate schedule and manual filed with and approved by the director in accordance with applicable statutes and regulations governing rate filings. Premium rate schedules in effect prior to the effective date of sections 381.003 to 381.125 may be used until new rate schedules have been approved by the director. Title insurers shall file their premium rate schedules within thirty days after the effective date of sections 381.003 to 381.125. Each violation of this subsection is a class C violation as that term is defined in section 381.045. Nothing in this section shall prevent an agent not affiliated with an agency from charging for services that constitute the practice of law at the customary fee charged by such person for legal services. To the extent the premium fails to compensate the agent at such rate, the agent may render an additional bill for such services on behalf of the agent's law practice or law firm. The acceptance of any part of the premium by the law firm of said agent shall not be a violation of any provision of the Missouri Title Insurance Act or the general insurance statutes, regulations or bulletins regarding payment of commissions to nonlicensed entities.**

**2. The director may establish rules, including rules providing statistical plans, for use by all title insurers, title agencies and title agents in the recording and reporting of revenue, loss and expense experience in such form and detail as is necessary to aid the director in the establishment of rates and fees.**

3. The director may require that the information provided pursuant to this section be verified by oath of the insurer's or agency's president or vice president or secretary or actuary, as applicable. The director may further require that the information required pursuant to this section be subject to an audit conducted at the expense of the title insurer or title agency by an independent certified public accountant. The director shall have the authority to establish a minimum threshold level at which an audit would be required.

4. Information filed with the director relating to the experience of a particular agency shall be kept confidential unless the director finds it in the public interest to disclose the information required of title insurers or title agencies pursuant to this section. Prior to any such disclosure of confidential information, the director shall provide notice and opportunity to be heard to the title insurers and title agencies who would be affected thereby.

**381.035. DUTY TO DISCLOSE ACCURATE INFORMATION TO THE DIRECTOR AND RATING ORGANIZATION, PENALTY FOR VIOLATION.**— No title insurance company, title agency or title agent shall willfully withhold information from, or knowingly give false or misleading information to the director, or to any title insurance rating organization, of which the title insurance company is a member or subscriber, which will affect the rates or fees chargeable pursuant to this chapter. Each violation of this section is a class A violation as that term is defined in section 381.045.

**381.038. RETENTION OF RECORDS REQUIRED, LIMITATION, PENALTY FOR VIOLATION.**— 1. Evidence of the examination of title and determination of insurability generated by a title insurer engaged in direct operations, title agency or title agent shall be preserved and maintained by such insurer, agency or agent for as long as appropriate to the circumstances but, in no event less than fifteen years after the title insurance policy has been issued.

2. Records relating to escrow and security deposits shall be preserved and retained by a title insurer engaged in direct operations, title agency and title agent for as long as appropriate to the circumstances but, in no event less than five years after the escrow or security deposit account has been closed.

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**3. This section shall not apply to a title insurer acting as coinsurer if one of the other coinsurers has complied with this section.**

**4. Each violation of any provision of this section is a class C violation as that term is defined in section 381.045.**

**[381.041. WHO MAY TRANSACT TITLE INSURANCE BUSINESS, SERVICES ALLOWED — CAPITAL REQUIREMENTS. — 1. No person other than a domestic, foreign, or alien title insurer organized on the stock plan and duly licensed by the director shall transact title insurance business as an insurer in this state.**

**2. Each title insurer may engage in the title insurance business in this state if licensed to do so by the director and provide any other service related or incidental to the sale and transfer or financing of property.**

**3. A title insurer shall maintain a minimum paid-in capital of not less than four hundred thousand dollars and, in addition, paid-in initial surplus of at least four hundred thousand dollars.]**

**381.042. RULES, AUTHORITY, PROCEDURE. — 1. The director may issue rules, regulations and orders necessary to carry out the provisions of this chapter.**

**2. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

**381.045. VIOLATIONS, DEFINITION OF PENALTIES, PENALTIES NOT EXCLUSIVE OF OTHER REMEDIES AND NOT TO RESTRICT RIGHTS OF THIRD PARTIES. — 1. If the director determines that the title insurer or any other person has violated this chapter, or any regulation or order promulgated thereunder, after notice and opportunity to be heard, the director may order:**

**(1) For each violation a monetary penalty which shall take into account the harm the violation caused or could have caused or potential harm to the public and which shall not exceed:**

- (a) One thousand dollars per violation for a class A violation;**
- (b) Five hundred dollars per violation for a class B violation; and**
- (c) One hundred dollars per violation for a class C violation;**
- (2) Revocation or suspension of the title insurer's license; or**
- (3) Both monetary penalty and revocation or suspension.**

**2. Nothing contained in this section shall affect the right of the director to impose any other penalties provided for in the insurance code.**

**3. Nothing contained in this chapter is intended to or shall in any other manner limit or restrict the rights of policyholders, claimants and creditors.**

**381.048. COURT ACTIONS AUTHORIZED, WHEN. — The director may bring an action in a court of competent jurisdiction to enjoin violations of the Real Estate Settlement Procedures Act, 12 U.S.C. Section 2607, as amended.**

**[381.051. DEPOSIT OF SECURITY WITH DIRECTOR, FORM, WITHDRAWAL AND EXCHANGE OF — ALTERNATIVE — PHASE-IN OF REQUIREMENT — USE OF SECURITY. — 1.** A title insurer, before issuing any title insurance policy covering property located in this state, shall deposit with the director of the department of insurance, hereinafter referred to as the director, a sum of four hundred thousand dollars, which shall be held for the security and protection of the holders or beneficiaries under its title insurance policies.

2. Assets deposited pursuant to this section may, with the approval of the director, be exchanged from time to time for other assets that qualify under subsection 3 of this section.

3. The depositing title insurer shall receive the income, interests, and dividends on any assets deposited. The deposit required under this section may be made in legal tender or in investments now or hereafter permitted to domestic life insurers with regard to their capital, reserve and surplus. For capital and reserve deposits, sums deposited pursuant to this section shall be valued at their market value.

4. A title insurer that has deposited assets pursuant to this section may, with the approval of the director, withdraw any part of the assets so deposited. If any such title insurer continues to engage in the business of title insurance, it shall not be permitted to withdraw assets that would reduce the amount of its deposits below the amount required by subsection 1 of this section.

5. In lieu of such a deposit maintained in this state, the director shall accept a certificate or certificates in proper form of the public officer or officers having general supervision of title insurers in its state of domicile to the effect that a deposit or total deposits, in an equal or greater amount, in classes of investment authorized in such state, are

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being maintained for like purposes in public custody or control pursuant to the laws of such state on behalf of the title insurer.

6. If sections 381.011 to 381.241 require a greater amount of capital and surplus or deposits than that required of a title insurer prior to September 28, 1987, such title insurer shall have three years after September 28, 1987, to comply with any such increased requirement.

7. The provisions of sections 375.950 to 375.990, RSMo, shall apply to the impairment of capital, liquidation, and rehabilitation of title insurers.]

**381.052. PERSONS AUTHORIZED TO CONDUCT TITLE INSURANCE BUSINESS.—No person other than a domestic, foreign or non-U.S. title insurer organized on the stock plan and duly licensed by the director shall transact title insurance business as an insurer in this state.**

**381.055. POWERS OF TITLE INSURER.—Subject to the exceptions and restrictions contained in this chapter, a title insurer shall have the power to:**

- (1) Do only title insurance business;**
- (2) Reinsure title insurance policies; and**
- (3) Perform ancillary activities, unless prohibited by the director, including examining titles to real property and any interest in real property and procuring and furnishing related information and information about relevant personal property, when not in contemplation of, or in conjunction with, the issuance of a title insurance policy.**

**381.058. LICENSE REQUIRED FOR INSURER TO TRANSACT BUSINESS OF TITLE INSURANCE, EXCLUSIVE TO OTHER TYPES OF INSURANCE BUSINESS — LIMITATIONS — CLOSING OR SETTLEMENT PROTECTION AUTHORIZED.—1. No insurer that transacts any class, type or kind of business other than title insurance shall be eligible for the issuance or renewal of a license to transact the business of title insurance in this state nor shall title insurance be transacted, underwritten or issued by any insurer transacting or licensed to transact any other class, type or kind of business.**

**2. A title insurer shall not engage in the business of guaranteeing payment of the principal or the interest of bonds or mortgages.**

**3. (1) Notwithstanding subsection 1 of this section, and to the extent such coverage is lawful within this state, a title insurer is expressly authorized to issue closing or settlement protection to a proposed insured upon request if the title insurer issues a commitment, binder or title insurance policy. Such closing or settlement protection shall conform to the terms of coverage and form of instrument as required by the director and may indemnify a proposed insured solely against loss of settlement funds only because of the following acts of a title insurer's named title agency or title agent:**

**(a) Theft of settlement funds; and**

**(b) Failure to comply with written closing instructions by the proposed insured when agreed to by the title agency or title agent relating to title insurance coverage;**

**(2) The director may promulgate or approve a required charge for providing the coverage;**

**(3) A title insurer shall not provide any other coverage which purports to indemnify against improper acts or omissions of a person with regard to escrow, settlement, or closing services.**

**[381.061. NET RETAINED LIABILITY, LIMITS — DIRECTOR MAY WAIVE. — 1.** The net retained liability of a title insurer for a single risk on property located in this state, whether assumed directly or as reinsurance, may not exceed fifty percent of the sum of its total surplus to policyholders and unearned premium reserve, less the admitted asset value assigned to title plants, as shown in the most recent annual statement of the title insurer on file in the office of the director.

**2.** The director may waive the limitation of this section for a particular risk upon application of the title insurer and for good cause shown.]

**381.062. ESTABLISHMENT AND MAINTENANCE OF MINIMUM PAID-IN CAPITAL AND PAID-IN INITIAL SURPLUS NECESSARY FOR INSURANCE BUSINESS LICENSE. — Before being licensed to do an insurance business in this state, a title insurer shall establish and maintain a minimum paid-in capital of not less than four hundred thousand dollars and, in addition, paid-in initial surplus of at least four hundred thousand dollars.**

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**381.065. NET RETAINED LIABILITY LIMITS, MAXIMUM AMOUNT — REINSURANCE ALLOWED — WAIVER BY DIRECTOR OF RISK, WHEN. —**

**1. The net retained liability of a title insurer for a single risk in regard to property located in this state, whether assumed directly or as reinsurance, shall not exceed the aggregate of fifty percent of surplus as regards policyholders plus the statutory premium reserve less the company's investment in title plants, all as shown in the most recent annual statement of the insurer on file with the director.**

**2. For purposes of this chapter:**

**(1) A single risk shall be the insured amount of any title insurance policy, except that, where two or more title insurance policies are issued simultaneously covering different estates in the same real property, a single risk shall be the sum of the insured amounts of all the title insurance policies; and**

**(2) A policy under which a claim payment reduces the amount of insurance under one or more other title insurance policies shall be included in computing the single risk sum only to the extent that its amount exceeds the aggregate amount of the policy or policies whose amount of insurance is reduced.**

**3. A title insurer may obtain reinsurance for all or any part of its liability under its title insurance policies or reinsurance agreements and may also reinsure title insurance policies issued by other title insurers on single risks located in this state or elsewhere. Reinsurance on policies issued on properties located in this state may be obtained from any title insurers licensed to transact title insurance business in this state, any other state, or the District of Columbia and which have a combined capital and surplus of at least eight hundred thousand dollars.**

**4. The director may waive the limitation of this section for a particular risk upon application of the title insurer and for good cause shown.**

**381.068. INVESTMENT IN TITLE PLANT, AMOUNT RESTRICTED, CONSIDERED ASSET. — In determining the financial condition of a title insurer doing business pursuant to this chapter, the general investment provisions of sections 376.300 to 376.305, RSMo, shall apply; except that, an investment in a title plant or plants in an amount equal to the actual cost shall be allowed as an admitted asset for title insurers. The aggregate amount of the investment shall not exceed fifty percent of surplus to policyholders, as shown on the**

most recent annual statement of the title insurer on file with the director.

**381.072. RESERVE REQUIREMENTS, RESERVE TO COVER ALL KNOWN CLAIMS — UNEARNED PREMIUM RESERVE, AMOUNT, ACTUARIAL CERTIFICATION REQUIRED, SUPPLEMENTAL RESERVE, AMOUNT, DEADLINE. — In determining the financial condition of a title insurer doing business pursuant to this chapter, the general provisions of the insurance code requiring the establishment of reserves sufficient to cover all known and unknown liabilities including allocated and unallocated loss adjustment expense, shall apply; except that, a title insurer shall establish and maintain:**

**(1) (a) A known claim reserve in an amount estimated to be sufficient to cover all unpaid losses, claims and allocated loss adjustment expenses arising under title insurance policies for which the title insurer may be liable, and for which the insurer has discovered or received notice by or on behalf of the insured or escrow or security depositor;**

**(b) Upon receiving notice from or on behalf of the insured of a title defect in or lien or adverse claim against the title of the insured that may result in a loss or cause expense to be incurred in the proper disposition of the claim, the title insurer shall determine the amount to be added to the reserve, which amount shall reflect a careful estimate of the loss or loss expense likely to result by reason of the claim;**

**(c) Reserves required pursuant to this section may be revised from time to time and shall be redetermined at least once each year;**

**(2) A statutory or unearned premium reserve established and maintained as follows:**

**(a) A domestic title insurer shall establish and maintain an unearned premium reserve computed in accordance with this section, and all sums attributed to such reserve shall at all times and for all purposes be considered and constitute unearned portions of the original premiums. This reserve shall be reported as a liability of the title insurer in its financial statements;**

**(b) The unearned premium reserve shall be maintained by the title insurer for the protection of holders of title insurance policies. Except as provided in this section, assets equal in value to the reserve are not subject to distribution among creditors or stockholders of the title insurer until all claims of policyholders or claims under**

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reinsurance contracts have been paid in full, and all liability on the policies or reinsurance contracts has been paid in full and discharged or lawfully reinsured;

(c) The unearned premium reserve shall consist of:

a. The amount of the unearned premium reserve on the effective date of sections 381.003 to 381.125; and

b. A sum equal to fifteen cents for each one thousand dollars of net retained liability under each title insurance policy, excluding mortgagee's policies simultaneously issued with owner's policies or owner's leasehold policies of the same or greater amount, on a single risk written on properties located in this state and issued after the effective date of sections 381.003 to 381.125;

(d) Amounts placed in the unearned premium reserve in any year in accordance with paragraph (c) of subdivision (2) of this section shall be deducted in determining the net profit of the title insurer for that year;

(e) A title insurer shall release from the unearned premium reserve a sum equal to ten percent of the amount added to the reserve during a calendar year on July first of each of the five years following the year in which the sum was added, and shall release from the unearned premium reserve a sum equal to three and one-third percent of the amount added to the reserve during that year on each succeeding July first until the entire amount for that year has been released. The amount of the unearned premium reserve or similar unearned premium reserve maintained before the effective date of sections 381.003 to 381.125 shall be released in accordance with the law in effect immediately before the effective date of sections 381.003 to 381.125;

(f) a. Each domestic and foreign title insurer shall file annually with the audited financial report required pursuant to section 375.1032, RSMo, an actuarial certificate made by a member in good standing of the American Academy of Actuaries, or by an actuary permitted to make such certificate by the commissioner, superintendent or director of the department of insurance of the state of incorporation of a foreign title insurer;

b. The actuarial certification shall conform to the annual statement instructions for title insurers adopted by the National Association of Insurance Commissioners and shall include the actuary's professional opinion of the insurer's reserves as of the date of the annual statement. The reserves analyzed pursuant to this

section shall include reserves for known claims, including adverse developments on known claims, and reserves for incurred but not reported claims;

(g) a. Each domestic and foreign title insurer shall establish a supplemental reserve in the amount by which the actuarially certified reserves exceed the total of the known claim reserve and statutory premium reserve as set forth in the title insurer's annual financial report, subject to subdivision (2) of this section;

b. The supplemental reserve required pursuant to this section shall be phased in as follows:

i. Twenty-five percent of the otherwise applicable supplemental reserve is required until December thirty-first of the year next following the effective date of sections 381.003 to 381.125;

ii. Fifty percent of the otherwise applicable supplemental reserve is required until December thirty-first of the second year following the effective date of sections 381.003 to 381.125;

iii. Seventy-five percent of the otherwise applicable supplemental reserve is required until December thirty-one of the third year following the effective date of sections 381.003 to 381.125;

iv. One hundred percent of the supplemental reserve is required after December thirty-first of the fourth year following the effective date of sections 381.003 to 381.125.

**381.075. ADDITIONAL INSURANCE LAWS APPLICABLE TO TITLE INSURERS, INSURER'S SUPERVISION, REHABILITATION AND LIQUIDATION ACT, EXCEPTIONS — LIQUIDATION OR INSOLVENCY, TREATMENT OF SECURITY AND ESCROW FUNDS, FILING OF CLAIMS, CANCELLATION OF POLICIES, PAYMENT OF FULLY EARNED PREMIUMS. — 1.** Sections 375.570 to 375.750, RSMo, and sections 375.1150 to 375.1246, RSMo, shall apply to all title insurers subject to the title insurance act, except as otherwise provided in this section. In applying such sections, the court shall consider the unique aspects of title insurance and shall have broad authority to fashion relief that provides for the maximum protection of the title insurance policyholders.

2. Security and escrow funds held by or on behalf of the title insurer shall not become general assets and shall be administered as secured claims as defined in section 375.1152, RSMo.

3. Title insurance policies that are in force at the time an order of liquidation is entered shall not be canceled except upon a showing

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to the court of good cause by the liquidator. The determination of good cause shall be within the discretion of the court. In making this determination, the court shall consider the unique aspects of title insurance and all other relevant circumstances.

4. The court may set appropriate dates that potential claimants must file their claims with the liquidator. The court may set different dates for claims based upon the title insurance policy than for all other claims. In setting dates, the court shall consider the unique aspects of title insurance and all other relevant circumstances.

5. As of the date of the order of insolvency or liquidation, all premiums paid, due or to become due under policies of the title insurers, shall be fully earned. It shall be the obligation of title agencies, title agents, insureds or representatives of the title insurer to pay fully earned premium to the liquidator or rehabilitator.

**381.078. DIVIDENDS, AUTHORIZED WHEN.**—A title insurer shall only declare or distribute a dividend to shareholders with the prior written approval of the director, as would be permitted pursuant to subdivision (1) of subsection 1 of section 382.210, RSMo.

**[381.081. UNEARNED PREMIUM RESERVE, REQUIRED, AMOUNT — RELEASE OF PORTION, ADJUSTMENTS.** — 1. A domestic title insurer shall establish and maintain an unearned premium reserve computed in accordance with this section, and all sums attributed to such reserve shall at all times and for all purposes be considered and constitute unearned portions of the original premiums. This reserve shall be reported as a liability of the title insurer in its financial statements.

2. The unearned premium reserve shall be maintained by the title insurer for the protection of holders of title insurance policies. Except as provided in this section, assets equal in value to the reserve are not subject to distribution among creditors or stockholders of the title insurer until all claims of policyholders or claims under reinsurance contracts have been paid in full, and all liability on the policies or reinsurance contracts has been paid in full and discharged or lawfully reinsured.

3. A foreign or alien title insurer licensed to transact title insurance business in this state shall maintain at least the same reserves on title insurance policies issued on properties located in this state as are required of domestic title insurers, unless the laws of the jurisdiction of domicile of the foreign or alien title insurer require a higher amount.

4. The unearned premium reserve shall consist of:

(1) The amount of the unearned premium reserve on September 28, 1987; and

(2) A sum equal to fifteen cents for each one thousand dollars of net retained liability under each title insurance policy, excluding mortgagee's policies simultaneously issued with owner's policies or owner's leasehold policies of the same or greater amount, on a single risk written on properties located in this state and issued after September 28, 1987.

5. Amounts placed in the unearned premium reserve in any year in accordance with subdivision (2) of subsection 4 of this section shall be deducted in determining the net profit of the title insurer for that year.

6. A title insurer shall release from the unearned premium reserve a sum equal to ten percent of the amount added to the reserve during a calendar year on July first of each of the five years following the year in which the sum was added, and shall release from the unearned premium reserve a sum equal to three and one-third percent of the amount added to the reserve during that year on each succeeding July first until the entire amount for that year has been released. The amount of the unearned premium reserve or similar unearned premium reserve maintained before September 28, 1987, shall be released in accordance with the law in effect immediately before September 28, 1987.]

**381.085. FORMS, DIRECTOR TO APPROVE BEFORE USE, PENALTY FOR VIOLATION — WITHDRAWAL OF APPROVAL, NOTICE — CONTENTS CONCERNING COVERAGE OF POLICY, WHEN INCLUDED. — 1. A title insurer or authorized rate service organization shall not deliver or issue for delivery or permit any of its authorized title agencies or title agents to deliver in this state, any form, in connection with title insurance written, unless it has been filed with the director and approved by the director or thirty days have elapsed and it has not been disapproved as misleading or violative of public policy. Each violation of this subsection is a class C violation as that term is defined in section 381.045.**

**2. Forms covered by this section shall include:**

**(1) Title insurance policies, including standard form endorsements; and**

**(2) Title insurance commitments issued prior to the issuance of a title insurance policy.**

**3. After notice and opportunity to be heard are given to the insurer or rate service organization which submitted a form for**

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approval, the director may withdraw approval of the form on finding that the use of the form is contrary to the legal requirements applicable at the time of withdrawal. The effective date of withdrawal of approval shall not be less than ninety days after notice of withdrawal is given.

4. Any term or condition related to an insurance coverage provided by an approved title insurance policy or any exception to the coverage, except those ascertained from a search and examination of records relating to a title or inspection or survey of a property to be insured, may only be included in the policy after the term, condition or exception has been filed with the director and approved as herein provided.

**381.088. INSURER MAY SATISFY DUTY TO FILE PREMIUM RATES BY JOINING OR SUBSCRIBING TO A RATE SERVICE ORGANIZATION.—1.** A title insurer may satisfy its obligation to file premium rates, rating manuals and forms as required by this chapter by becoming a member of, or a subscriber to, a rate service organization, organized and licensed pursuant to the provisions of this chapter, where the organization makes the filings, and by authorizing the director in writing to accept the filings on the insurer's behalf.

2. Nothing in this chapter shall be construed as requiring any title insurer, title agency or title agent to become a member of, or a subscriber to, any rate service organization. Nothing in this chapter shall be construed as prohibiting the filing of deviations from rate service organization filings by any member or subscriber.

**[381.091. INSOLVENCY OF INSURER, INSURERS IN PROCESS OF LIQUIDATION OR DISSOLUTION, USE OF UNEARNED PREMIUM RESERVE.**

—1. If a domestic title insurer becomes insolvent, is in the process of liquidation or dissolution, or is in the possession of the director:

(1) Such amount of the assets of such title insurer equal to the unearned premium reserve then remaining may be used by or with the written approval of the director to pay for reinsurance of the liability of such title insurer upon all outstanding title insurance policies or reinsurance agreements to the extent to which claims for losses by the holders thereof are not then pending. The balance of assets, if any, equal to the unearned premium reserve, may then be transferred to the general assets of the title insurer;

(2) The net assets of the unearned premium reserve shall be available to pay claims for losses sustained by holders of title insurance policies then pending or arising up to the time reinsurance is effected. If claims for losses exceed such other assets of the title insurer, such claims, when established, shall be paid pro rata out of the surplus assets attributable to the unearned premium reserve to the extent of such surplus, if any.

2. If reinsurance is not obtained, assets equal to the unearned premium reserve and assets constituting minimum capital, or so much as remains thereof after outstanding claims have been paid, shall constitute a trust fund to be held and invested by the director for twenty years, out of which claims of policyholders shall be paid as they arise. The balance, if any, of the trust fund shall, at the expiration of twenty years, revert to the general assets of the title insurer.]

**381.092. TITLE INSURERS AND RATING ORGANIZATIONS TO PROPOSE PREMIUM RATES, FACTORS FOR CONSIDERATION — RATING ORGANIZATION TO CLASSIFY POLICIES OR CONTRACTS TO USE AS BASIS FOR RATES. — 1. Every title insurer that shall propose its own premium rates and every title insurance rating organization shall propose premium rates that are not excessive nor inadequate for the safety and soundness of any title insurer, which do not unfairly discriminate between risks in this state which involve essentially the same exposure to loss and expense elements, and which shall give due consideration to the following matters:**

**(1) The desirability for stability and responsiveness of rate structures;**

**(2) The necessity of assuring the financial solvency of title insurance companies in periods of economic depression;**

**(3) The necessity for paying dividends on the capital stock of title insurance companies sufficient to induce capital to be invested therein; and**

**(4) A reasonable level of profit for the insurer.**

**2. Every title insurer that shall propose its own rates and every title insurance rating organization may adopt basic classifications of policies or contracts of title insurance which shall be used as the basis for rates.**

**381.095. DIRECTOR TO REVIEW RATE FILINGS, APPROVAL WHEN, PUBLIC HEARING, DURATION OF APPROVAL — PROCEDURE FOR DISAPPROVAL OF FILING, HEARING, ORDER — RIGHT OF THIRD PARTY**

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**TO CONTEST FILING, PROCEDURE, HEARING, ORDER.—1. If the director shall find in his review of rate filings that the filings provide for, result in, or produce rates that are not unreasonably high, and are not inadequate for the safeness and soundness of the insurer, and are not unfairly discriminatory between risks in this state involving essentially the same hazards and expense elements, the director shall approve such rates. Prior to such approval the director may conduct a public hearing with respect to a rate filing. An approval shall continue in effect until the director shall issue an order of disapproval pursuant to the requirements and procedure provided for in subsections 2 and 3 of this section.**

**2. Upon the review at any time by the director of a rate filing, the director shall, before issuing an order of disapproval, hold a hearing upon not less than ten days' written notice, specifying in reasonable detail the matters to be considered at such hearing, to every title insurer and title insurance rating organization which made such filing, and if, after such hearing, the director finds that such filing or a part thereof does not meet the requirements of this chapter, the director shall issue an order specifying in what respects the director finds that it so fails, and stating when, within a reasonable period thereafter, such filing or a part thereof shall be deemed no longer effective. A title insurer or title insurance rating organization shall have the right at any time to withdraw a filing or a part thereof, subject to the provisions of section 381.102, in the case of deviation filing. Copies of the order shall be sent to every title insurer and title insurance rating organization affected. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.**

**3. Any person or organization aggrieved with respect to any filing which is in effect may make written application to the director for a hearing thereon. The title insurance company or title insurance rating organization that made the filing shall not be authorized to proceed pursuant to this subsection. Such application shall specify in reasonable detail the grounds to be relied upon by the applicant. If the director shall find that the application is made in good faith, that the applicant would be so aggrieved if his or her grounds are established, and that such grounds otherwise justify holding such a hearing, the director shall, within thirty days after receipt of such application, hold a hearing upon not less than ten days' written notice to the applicant and to every title insurance**

company and title insurance rating organization which made such a filing. If, after such hearing, the director finds that the filing or a part thereof does not meet the requirements of this chapter, the director shall issue an order specifying in what respects the director finds that such filing or a part thereof fails to meet the requirements of this chapter, stating when within a reasonable period thereafter, such filing or a part thereof shall be deemed no longer effective. Copies of such order shall be sent to the applicant and to every such title insurer and title insurance rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

**381.098. RATING ORGANIZATION FOR TITLE INSURER'S LICENSE, WHO ELIGIBLE, APPLICATION, CONTENTS — ISSUANCE, DURATION, FEE, DISCIPLINARY ACTION — NOTIFICATION REQUIREMENTS — SUBSCRIBERS, RULES, HEARINGS BY DIRECTOR, WHEN, PROCEDURE. —**

**1. A corporation, an unincorporated association, a partnership or an individual, whether located within or outside this state, may make application to the director for license as a rating organization for title insurers, and shall file therewith:**

**(1) A copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its bylaws, rules and regulations governing the conduct of its business;**

**(2) A list of its members and subscribers;**

**(3) The name and address of a resident of this state upon whom notices or orders of the director or process affecting such rating organization may be served; and**

**(4) A statement of its qualifications as a title insurance rating organization.**

**2. If the director finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization, and that its constitution, articles of agreement or association or certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business, conform to requirements of law, the director shall issue a license authorizing the applicant to act as a rating organization for title insurance. Licenses issued pursuant to this section shall remain in effect for three years unless sooner suspended or revoked by the director or withdrawn by the licensee. The fee for such license shall be one thousand five hundred dollars. Licenses issued pursuant to this section may be suspended or**

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revoked by the director, after hearing upon notice, in the event the rating organization ceases to meet the requirements of this subsection. Every rating organization shall notify the director promptly of every change in:

- (1) Its constitution, its articles of agreement or association or its certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business;
- (2) Its list of members and subscribers; and
- (3) The name and address of the resident of this state designated by it upon whom notices or orders of the director or process affecting such rating organization may be served.

3. Subject to rules and regulations which have been approved by the director as reasonable, each title insurance rating organization shall permit any title insurance company not a member to be a subscriber to its rating services. Notices of proposed changes in such rules and regulations shall be given to subscribers. Each such rating organization shall furnish its rating services without discrimination to its members and subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any such rating organization to admit a title insurance company as a subscriber, shall at the request of any subscriber or any such title insurance company, be reviewed by the director at a hearing held upon at least ten days' written notice to such rating organization and to such subscriber. If the director finds that such rule or regulation is unreasonable in its application to subscribers, the director shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to grant or reject an application of a title insurance company for subscribership within thirty days after it was made, the title insurance company may request a review by the director as if the application had been rejected. If the director finds that the title insurance company has been refused admittance to the title insurance rating organization as a subscriber without justification, the director shall order such rating organization to admit the title insurance company as a subscriber. If the director finds that the action of the title insurance rating organization was justified, the director shall make an order affirming its action.

**[381.101. RESERVES AGAINST UNPAID LOSSES AND EXPENSES, INSURERS TO MAINTAIN. — 1.** All title insurers licensed in this state

shall establish and maintain reserves against unpaid losses and loss expenses.

2. Upon receiving notice from or on behalf of the insured of a title defect in or lien or adverse claim against the title of the insured that may result in a loss or cause expense to be incurred in the proper disposition of the claim, the title insurer shall determine the amount to be added to the reserve, which amount shall reflect a careful estimate of the loss or loss expense likely to result by reason of the claim.

3. Reserves required under this section may be revised from time to time and shall be redetermined at least once each year.]

**381.102. INSURANCE RATING ORGANIZATION FILINGS, ADHERENCE REQUIRED — UNIFORM PERCENTAGE OF DECREASE OR INCREASE ALLOWED AS DEVIATION FILING, CONTENTS. — Every member of or subscriber to a title insurance rating organization shall adhere to the filings made on its behalf by such organization, except that any title insurance company which is a member of or subscriber to such a rating organization may file with the director a uniform percentage of decrease or increase to be applied to any or all elements of the fees produced by the rating system so filed for a class of title insurance which is found by the director to be a proper rating unit for the application of such uniform decrease or increase, or to be applied to the rates for a particular area, or otherwise deviate from the rating plans, policy forms or other matters which are the subject of filings pursuant to this chapter. Such deviation filing shall specify the basis for the modification and shall be accompanied by the data or historical pattern upon which the applicant relies. A copy of the deviation filing and data shall be sent simultaneously to such rating organization. Deviation filings shall be subject to the provisions of section 381.095.**

**381.105. APPEALS FROM RATING ORGANIZATION FILINGS, HEARING, POSSIBLE DISPOSITIONS — RATING ORGANIZATION DEEMED TO HAVE REJECTED PROPOSED CHANGE TO FILINGS, WHEN, RIGHT OF APPEAL. — 1. Any member of or subscriber to a title insurance rating organization may appeal to the director from any action or decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization, and the director shall, after a hearing held upon not less than ten days' written notice to the appellant and to such rating**

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organization, issue an order approving the action or decision of such rating organization or directing it to give further consideration to such proposal and to take action or make a decision upon it within thirty days. If such appeal is from the action or decision of the title insurance rating organization in rejecting a proposed addition to its filings, the director may, in the event the director finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings, on behalf of its members and subscribers, in a manner consistent with the director's findings, within a reasonable time after the issuance of such order. If the appeal is from the action of the title insurance rating organization with regard to a rate or a proposed change in or addition to its filings relating to the character and extent of coverage, the director shall approve the action of the rating organization or such modification thereof as shall have been suggested by the appellant if either be made in accordance with this chapter.

2. The failure of a title insurance rating organization to take action or make a decision within thirty days after submission to it of a proposal pursuant to this section shall constitute a rejection of such proposal within the meaning of this section. If such appeal is based upon the failure of the rating organization to make a filing on behalf of such member or subscriber which is based on a system of expense allocation which differs from the system of expense allocation included in a filing made by such rating organization, the director shall, if the director grants the appeal, order the rating organization to make the requested filing for use by the appellant. In deciding such appeal, the director shall apply the standards set forth in section 381.032.

**381.108. RULES AND STATISTICAL PLANS FOR RATING SYSTEMS, DEPARTMENT TO COMPILE, PURPOSE TO PROMOTE UNIFORMITY AMONG STATES — INFORMATION TO BE EXCHANGED WITH OTHER STATES. — 1. The director shall promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with the department, which may be modified from time to time, and which shall be used thereafter by each title insurer, in the recording and reporting of the composition of its business, its loss and countrywide expense experience and those of its title insurance underwriters in order that the experience of all title insurer may be**

made available, at least annually, in such form and detail as may be necessary to aid him or her in determining whether rating systems comply with the standards set forth in this chapter. Such rules and plans may also provide for the recording of expense experience items which are specially applicable to this state and are not susceptible of determination by a prorating of countrywide expense experience. In promulgating such rules and plans, the director shall give due consideration to the rating systems on file with the department, and in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. Such rules and plans shall not place an unreasonable burden of expense on any title insurer. No title insurer shall be required to record or report its expense and loss experience on a classification basis that is inconsistent with the rating system filed by it, nor shall any title insurer be required to report the experience to any agency of which it is not a member or subscriber. The director may designate one or more rating organizations or other agencies to assist the director in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the director, to title insurers and rating organizations. The director shall give preference in such designation to entities organized by and functioning on behalf of title insurers operating in this state. If the director, in his or her judgment, determines that one or more of such organizations designated as statistical agent is unable or unwilling to perform its statistical functions according to reasonable requirements established from time to time by the director, he or she may, after consultation with such statistical agent and upon twenty days' notice to any affected companies, designate another person to act on the director's behalf in the gathering of statistical experience. The director shall in such case establish the fee to be paid to such designated person by the affected companies in order to pay the total cost of gathering and compiling such experience. Agencies designated by the director shall assist the director in making compilations of the reported data and such compilations shall be made available, subject to reasonable rules and regulations promulgated by the director, to insurers, rating organizations and any other interested parties.

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**2. Reasonable rules and plans may be promulgated by the director for the interchange of data necessary for the application of rating plans.**

**3. In order to further uniform administration of rate regulatory laws, the director and every title insurer and rating organization may exchange information and experience data with insurance supervisory officials, title insurers and rating organizations in other states, and may consult with them with respect to rate making and the application of rating systems.**

**4. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

**[381.111. REINSURANCE, INSURER MAY OBTAIN. — A title insurer may obtain reinsurance for all or any part of its liability under its title insurance policies or reinsurance agreements and may also reinsure title insurance policies issued by other title insurers on single risks located in this state or elsewhere. Reinsurance on policies issued on properties located in this state may be obtained from any title insurers licensed to transact title insurance business in this state, any other state, or the District of Columbia and which have a combined capital and surplus of at least eight hundred thousand dollars.]**

**381.112. PREMIUM TAX, PREMIUM INCOME DEFINED. — For purposes of the premium tax imposed by sections 148.320 and 148.340, RSMo, the premium income received by a title insurer shall mean the amount of premium actually remitted to the title insurer and shall exclude any amount of premium retained by the title agent within the definition of "premium" contained in section 381.009.**

**381.115. LICENSING REQUIRED FOR TITLE AGENCIES AND TITLE AGENTS, EXCEPTIONS, NAME AND INFORMATION REQUEST REQUIREMENT FOR TITLE AGENCY — DEADLINE FOR COMPLIANCE WITH THIS SECTION — DELEGATION OF TITLE SEARCHES TO THIRD PARTY, RULES — VIOLATIONS, PENALTY. — 1. A person shall not act in the capacity of a title agency or title agent and a title insurer may not contract with any person to act in the capacity of a title agency or title agent with respect to risks located in this state unless the person is a licensed title agency or title agent in this state.**

2. An individual employed by a licensed title agency or title agent to whom the agency or agent delegates authority to act on that agency's or agent's behalf shall be either individually licensed or be named on the employing agent's license if such employee performs any of the functions defined in paragraph (a) of subdivision (25) of section 381.009. Each person named on the license shall possess all qualifications determined by the director to be appropriate. The director may adopt rules, regulations, and requirements relating to licensing and practices of persons acting in the capacity of title agencies or agents. These persons may include title agencies, title agents, employees of either, and persons acting on behalf of title agencies or title agents. This subsection is not intended to include persons performing clerical functions.

3. Every title agency licensed in this state shall:

(1) Exclude or eliminate the word insurer or underwriter from its business name, unless the word agency is also included as part of the name; and

(2) Provide, in a timely fashion, each title insurer with which it places business any information the title insurer requests in order to comply with reporting requirements of the director.

4. A title agency or title agent licensed in this state prior to the effective date of this chapter shall have ninety days after the effective date of this chapter to comply with the requirements of this section.

5. If the title agency or title agent delegates the title search to a third party, such as an abstract company, the agency or agent must first obtain proof that the third party is operating in compliance with rules and regulations established by the director and the third party shall provide the agency or agent and the insurer with access to and the right to copy all accounts and records maintained by the third party with respect to business placed with the title insurer. Proof from the third party may consist of a signed statement indicating compliance, and shall be effective for a three-year period. Each violation of this subsection is a class C violation as that term is defined in section 381.045.

**381.118. CONTINUING EDUCATION REQUIREMENTS, EXEMPTIONS — APPROVED COURSES AND PROGRAMS — TEACHING CREDIT — CREDITS MAY BE CARRIED FORWARD — EXTENSIONS AND WAIVERS — CERTIFICATION TO DIRECTOR OF COMPLETION — NONRESIDENTS — RULES — FUNDS, DEPOSITING AND USE — FEES FOR LICENSE RENEWAL.**

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—1. Each title agent licensed to sell title insurance in this state, unless exempt pursuant to subsection 8 of this section, shall successfully complete courses of study as required by this section. Any person licensed to act as a title agent shall, during each two years, attend courses or programs of instruction or attend seminars equivalent to a minimum of eight hours of instruction. The initial such two-year period shall begin January first of the year next following the effective date of this chapter.

2. Subject to approval by the director, the courses or programs of instruction which shall be deemed to meet the director's standards for continuing educational requirements shall include, but not be limited to, the following:

(1) An insurance-related course taught by an accredited college or university or qualified instructor who has taught a course of insurance law at such institution;

(2) A course or program of instruction or seminar developed or sponsored by any authorized insurer, recognized agents' association or insurance trade association. A local agents' group may also be approved if the instructor receives no compensation for services;

(3) Courses approved for continuing legal education credit by the Missouri Bar.

3. A person teaching any approved course of instruction or lecturing at any approved seminar shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such course, seminar or program.

4. Excess classroom hours accumulated during any two-year period may be carried forward to the two-year period immediately following the two-year period in which the course, program or seminar was held.

5. For good cause shown, the director may grant an extension of time during which the educational requirements imposed by this section may be completed, but such extension of time shall not exceed the period of one calendar year. The director may grant an individual waiver of the mandatory continuing education requirement upon a showing by the licensee that it is not feasible for the licensee to satisfy the requirements prior to the renewal date. Waivers may be granted for reasons including, but not limited to:

(1) Serious physical injury or illness;

(2) Active duty in the armed services for an extended period of time;

**(3) Residence outside the United States; or**

**(4) Licensee is at least seventy years of age and is currently licensed as a title agent.**

**6. Every person subject to the provisions of this section shall furnish in a form satisfactory to the director, written certification as to the courses, programs, or seminars of instruction taken and successfully completed by such person. A filing fee shall be paid by the person furnishing the report as determined by the director to be necessary to cover the administrative cost related to the handling of such certification reports, subject to the limitations imposed in subsection 9 of this section.**

**7. The provisions of this section shall not apply to those natural persons holding or applying for a license to act as a title agent in Missouri who reside in a state that has enacted and implemented a mandatory continuing education law or regulation pertaining to the title agents. However, those natural persons holding or applying for a Missouri agent license who reside in states which have no mandatory continuing education law or regulations shall be subject to all the provisions of this section to the same extent as resident Missouri title agents.**

**8. Rules necessary to implement and administer this section shall be promulgated by the director of the department of insurance, including, but not limited to, rules regarding the following:**

**(1) The insurance advisory board established by section 375.019, RSMo, shall be utilized by the director to assist the director in determining acceptable content of courses, programs and seminars to include classroom equivalency;**

**(2) Every applicant seeking approval by the director of a continuing education course pursuant to this section shall pay to the director a filing fee of fifty dollars per course, except that such total fee shall not exceed two hundred fifty dollars per year for any single applicant. Fees shall be waived for local agents' groups if the instructor receives no compensation for services. Such fee shall accompany any application form required by the director. Courses shall be approved for a period of no more than one year. Applicants holding courses intended to be offered for a longer period must reapply for approval;**

**(3) The director has the authority to determine the amount of the filing fee to be paid by title agents at the time of license renewal, which shall be set at an amount to produce revenue which shall not**

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substantially exceed the cost of administering this section, but in no event shall such fee exceed ten dollars per biennial report filed.

9. All funds received pursuant to the provisions of this section shall be transmitted by the director of the department of insurance to the department of revenue for deposit in the state treasury to the credit of the department of insurance dedicated fund. All expenditures necessitated by this section shall be paid from funds appropriated from the department of insurance dedicated fund by the legislature.

10. When a title agent pays his or her biennial renewal fee, such agent shall also furnish the written certification and filing fee required by this section.

11. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

**[381.121. INVESTMENTS ALLOWED, TITLE PLANTS — INELIGIBLE INVESTMENTS, DISPOSAL OF. —** 1. The deposit required by section 381.051 and the capital, surplus and unearned premium reserve of domestic title insurers shall be held in either cash or investments now or hereafter permitted to domestic life insurers with regard to their capital, reserve and surplus for reserve deposit.

2. A domestic title insurer may invest in title plants. For purposes of determining the financial condition of such title insurer, title plants will be treated as an asset valued at actual cost to the title insurer, not to exceed fifty percent of the surplus as to policyholders as shown on the most recent annual statement of the title insurer.

3. Any investment of a domestic title insurer acquired before September 28, 1987, and which under such sections, would be considered ineligible as an investment on that date, shall be disposed of within five years of September 28, 1987. The director, upon application and proof that forced sale of any such investment would be contrary to the best interests of the title insurer or its policyholders, may extend the period for disposal of the investment for a reasonable time.]

**381.122. DIRECTOR AUTHORIZED TO INSPECT BOOKS AND RECORDS.—**The director may during normal business hours examine, audit and inspect any and all books and records maintained by a title agency pursuant to this chapter.

**381.125. AFFILIATED BUSINESS ARRANGEMENTS, DISCLOSURE REQUIRED, OWNERSHIP FINANCIAL INTEREST REPORTING, RESTRICTIONS.— 1.** Whenever the business to be written constitutes affiliated business, prior to commencing the transaction, the title agency or title agent shall ensure that its customer has been provided with disclosure of the existence of the affiliated business arrangement and a written estimate of the charge or range of charges generally made for the title services provided by the title agency or agent.

**2.** The director may establish rules for use by all title agencies in the recording and reporting of the agency's owners and of the agency's ownership interests in other persons or businesses and of material transactions between the parties.

**3.** The director may require each title agency to file on forms prescribed by the director reports setting forth the names and addresses of those persons, if any, that have a financial interest in the agency and who the agency knows or has reason to believe are producers of title insurance business or associates of producers.

**4.** Nothing in this chapter shall be construed as prohibiting affiliated business arrangements in the provision of title insurance business so long as:

**(1)** The title agency, title agent or party making a referral constituting affiliated business, at or prior to the time of the referral, discloses the arrangement and, in connection with the referral, provides the person being referred with a written estimate of the charge or range of charges likely to be assessed and otherwise complies with the disclosure obligations of this section;

**(2)** The person being referred is not required to use a specified title insurance agency, agent or insurer; and

**(3)** The only thing of value that is received by the title agency, title agent or party making the referral, other than payments otherwise permitted, is a return on an ownership interest. For purposes of this subsection, the terms "required use" and "return on an ownership interest" shall have the meaning accorded to them under the Real Estate Settlement Procedures Act (RESPA), 12 U.S.C. Section 2607, as amended and Regulation X, 24 C.F.R. Section 3500, et seq.

**5.** Each violation of any provision of this section is a class C violation as that term is defined in section 381.045.

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**[381.131. AGENTS, FIDUCIARY DUTY.** — Any person who shall be appointed or who shall act as title insurance agent or agency for any title insurance company within this state, or who shall, as title insurance agent or agency, solicit applications, deliver policies and collect premiums thereon, or who shall receive or collect moneys from any source or on any account whatsoever, as agent or agency, for a title insurance company doing business in this state, shall be held responsible in a trust or fiduciary capacity to the company for any money so collected or received by him for such company.]

**[381.141. REFERRALS, GENERAL PROHIBITION AGAINST — PRODUCERS MAY REFER BUSINESS, CONDITIONS.** — 1. No title insurer or title agent or agency shall:

(1) Pay, directly or indirectly, to the insured or to any other person any commission, any part of its premiums, fees, or other charges; or any other consideration as inducement or compensation for the referral of title business or for performance of any escrow or other service by the title agent or agency; or

(2) Issue any title insurance policy or perform any service in connection with any transaction in which it has paid or intends to pay any commission, rebate or inducement which it knows to be in violation of this section.

2. Nothing in this section shall be construed as prohibiting reasonable payments, other than for the referral of title insurance business, for services actually rendered to either a title insurer or a title agent or agency in connection with title insurance business.

3. Nothing in sections 381.011 to 381.241 shall prohibit any producer or any associate of a producer from referring title business to any title insurer or title insurance agent or agency of his, her or its choice, and if such producer or associate producer has any financial, franchise, or ownership interest in the title insurer, the title insurance agent or agency, from receiving income or profits produced or realized from such financial, franchise or ownership interest so long as the purchaser is made aware in writing of the relationship between the producer or associate producer and the title agent or agency.]

**[381.151. DIVISION OF PREMIUMS, ALLOWED WHEN.** — Nothing in sections 381.011 to 381.241 shall be construed as prohibiting the division of premiums and charges between or among a title insurer and its title agent or agency, two or more title insurers, one or more title

insurers and one or more title agents or agencies or two or more title agents or agencies, provided such division of premiums and charges does not constitute:

- (1) An unlawful rebate or inducement under the provisions of sections 381.011 to 381.241; or
- (2) Payment of a forwarding fee or finder's fee.]

**[381.161. REQUIRING USE OF A PARTICULAR TITLE INSURER, AS A CONDITION, PROHIBITED, PENALTY. —** 1. No producer or other person, except the person paying the premium for the title insurance, shall require, directly or indirectly, or through any trustee, director, officer, agent, employee, or affiliate, as a condition, agreement, or understanding to selling or furnishing any other person any loan, or extension thereof, credit, sale, property, contract, lease or service, that such other person shall place, any contract of title insurance of any kind through any particular title agent, agency, or title insurer. No title agent, agency, or title insurer shall knowingly participate in any such prohibited plan or transaction. No person shall fix a price charged for such thing or service, or discount from or rebate upon price, on the condition, agreement, or understanding that any title insurance is to be obtained through a particular agent, agency, or title insurer.

2. Any person who violates the provisions of this section, or any title insurer, title agent, or agency who accepts an order for title insurance knowing that it is in violation of the provision of this section shall, in addition to any other action which may be taken by the director, be subject to a fine in an amount equal to five times the premium for the title insurance.]

**[381.171. PREMIUMS, NOT EXCESSIVE, INADEQUATE OR DISCRIMINATORY — MAY BE CLASSIFIED — DIRECTOR MAY PROMULGATE RULES AND REGULATIONS. —** 1. Premiums shall not be inadequate, excessive or unfairly discriminatory.

2. Premiums are excessive if, in the aggregate, they are likely to produce a long run profit that is unreasonably high in relation to the riskiness of the business or if expenses are unreasonably high in relation to the services rendered.

3. Premiums are inadequate if they are clearly insufficient, together with investment income attributable to them, to sustain projected losses and expenses or if continued use of such premiums will have the effect

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of substantially lessening competition or the effect of tending to create a monopoly.

4. Premiums are unfairly discriminatory if the premium charged for a policy of any particular face amount of liability is higher than the premium for an identical policy within the same classification where such policy has a like face amount or a higher face amount of liability. Premiums within each premium classification may, in the discretion of the title insurer, to a reasonable degree be less than the expenses incurred and the risks assumed in the case of policies of lower face amount of liability and the excess may be charged against policies of higher face amount of liability without rendering the premiums unfairly discriminatory.

5. Premiums may be grouped by classifications into the various types of title policies and endorsements offered. The classifications may be further divided to produce premiums for individual risks or services within a classification. Those classifications or further divisions may be established based upon any one or more of the following:

(1) The size of a transaction and its effect upon the continuing solvency of the title insurer using the rate in question if a loss should occur;

(2) Expense elements, including management time that would ordinarily be expended in a typical transaction of a particular size;

(3) The geographic location of a transaction, including variation in risk and expense elements attributable thereto;

(4) The individual experience of the insurer and title insurance agent or agency using the rate in question; and

(5) Any other reasonable considerations which may include but not be limited to builder/developer quantity discounts and multiple policy discounts on an individual parcel of property. Those classifications or further divisions thereof shall apply to all risks and services in the business of title insurance under the same or under substantially the same circumstances or conditions.

6. In making or reviewing premiums due consideration shall be given to past and prospective loss experience, to exposure to loss, to underwriting practice and judgment, to past and prospective expenses including amounts paid to or retained by title agents or agencies, to a reasonable margin for profit and contingencies taking into account the need for a reasonable return on capital committed to the enterprise, and to all other relevant factors both within and outside of this state.

7. The director may promulgate rules or regulations setting forth guidelines for the evaluation of premiums. Such regulations may include consideration of:

- (1) Cost of underwriting risks assumed by the insurer;
- (2) Amounts paid to or retained by title agents;
- (3) Operating expenses of the insurer other than underwriting and claims expense;
- (4) Payment of claims and claim related expenses;
- (5) Investment income;
- (6) Reasonable profit;
- (7) Premium taxes; and
- (8) Any other factors the director deems relevant.]

**[381.181. PREMIUM SCHEDULES, TO BE FILED WITH DIRECTOR, RATES TO COINCIDE WITH SCHEDULE — ESTABLISHMENT OF BASIC CLASSIFICATIONS OF COVERAGE. —** 1. Every title insurer shall file with the director its premium schedules it proposes to use in any county of this state. Every filing shall set forth its effective date, which shall not be earlier than the thirtieth day following its receipt by the director, and shall indicate the character and extent of the coverages and services contemplated. Filings that the director has not disapproved within thirty days of filing shall be deemed effective.

2. No title insurer or title agent or agency may use or collect any premium after September 28, 1987, except in accordance with the premium schedules filed with the director as required by subsections 1 and 2 of this section. The director may provide by regulation for interim use of premium schedules in effect prior to September 28, 1987.

3. Every title insurer shall establish basic classifications of coverages to be used as the basis for determining premiums.]

**[381.191. INFORMATION, EXPERIENCE DATA, EXCHANGE OF WITH OTHER STATES, ALLOWED. —** In order to further uniform administration of rate regulatory laws, the director and every title insurer, title agent, or agency in the state may exchange information and experience data with insurance supervisory officials of this and other states and rating organizations in other states and may consult with them with respect to such information and data.]

**[381.201. USE OF PREMIUM, WHEN ALLOWED — EXCESS CHARGES, ALLOWED, WHEN — PUBLIC DISPLAY OF PREMIUM SCHEDULES. —** 1.

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No title insurer, title agent, or agency shall use any premium in the business of title insurance prior to its effective date nor prior to the filing with respect to such premium having been publicly displayed and made readily available to the public for a period of not less than thirty days in each office of the title insurer, title agent, or agency in the county to which such rates apply, and no premium increase shall apply to title policies which have been contracted for prior to such effective date.

2. Premium charges in excess of those set forth in a premium filing which has become effective may be made when such filing includes a statement that such premiums may be made in the event unusual insurance risks are assumed or unusual services performed in the transaction of the business of title insurance, provided that such premiums are reasonably commensurate with the risks assumed for the costs of the services performed.

3. Copies of the schedules of premiums which are required to be filed with the director under the provisions of sections 381.011 to 381.241, showing their effective date or dates, shall be kept at all times available to the public and prominently displayed in a public place in each office of a title insurer, title agent, or agency in the county to which such rates apply while such rates are effective.]

**[381.211. FORMS TO BE USED, INSURERS TO FILE COPIES WITH DIRECTOR.** — Every title insurer shall file with the director copies of the following forms it proposes to use in this state, including:

- (1) Title insurance policies;
- (2) Standard form endorsements; and
- (3) Preliminary reports, commitments, binders, or any other reports issued prior to the issuance of a title insurance policy.]

**[381.221. PREMIUM TAX, PREMIUM INCOME DETERMINED.** — For purposes of the premium tax imposed by sections 148.320 and 148.340, RSMo, the premium income received by a title insurer shall be one hundred percent of the amounts paid by or on behalf of the insured as "premiums" within the definition of that term contained in sections 381.011 to 381.241.]

**[381.231. RULES, AUTHORITY, PROCEDURE.** — In addition to any other powers granted under sections 381.011 to 381.241, the director may adopt rules or regulations to protect the interests of the public including, but not limited to, regulations governing sales practices,

escrow, collection, settlement, closing procedures, policy coverage standards, rebates and inducements, controlled business, the approval of agency contracts, unfair trade practices and fraud, statistical plans for data collection, consumer education, any other consumer matters, the business of title insurance, or any regulations otherwise implementing or interpreting the provisions of sections 381.011 to 381.241. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

**[381.241. INSPECTION OF RECORDS OF INSURER, DIRECTOR MAY EXAMINE — MAY HOLD HEARING, WHEN, EXTENT — MAY ORDER RATING SYSTEM INVALID. — 1.** The director of insurance or his duly authorized representative may at any time and from time to time, inspect and examine the records, books and accounts of any title insurer, and may require such periodic and special reports from any title insurer, as may be reasonably necessary to enable the director to satisfy himself that such title insurer is complying with the requirements of sections 381.011 to 381.241. No person shall be authorized to inspect and examine the records, books and accounts of any title insurer unless such person has five years experience in the title insurance business. It shall be the duty of the director at least once every four years to make or cause to be made an examination of every title insurer. The reasonable expense of any examination shall be paid by the title insurer.

2. The purpose of such examination is to enable the director to ascertain whether there is compliance with the provisions of sections 381.011 to 381.241. If as a result of such examination the director has reason to believe that any rate, rating plan or rating system made or used by an insurer does not meet the standards and provisions of sections 381.011 to 381.241, applicable to it, the director may hold a public hearing. Within a reasonable period of time, which shall be not less than ten days before the date of such hearing, he shall mail written notice specifying the matters to be considered at such hearing to every person, insurer or organization believed by him not to be in compliance with the provisions of sections 381.011 to 381.241.

3. If the director, after such hearing, for good cause finds that such rate, rating plan or rating system does not meet the provisions of sections 381.011 to 381.241, he shall issue an order specifying in what respects any such rate, rating plan or rating system fails to meet such provisions, and stating when, within a reasonable period of time, the further use of

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such rate, rating plan or rating system by the title insurer which is the subject of the examination shall be prohibited. A copy of such order shall be sent to such title insurer.]

**381.410. DEFINITIONS.**—As used in sections 381.410 and 381.412, the following terms mean:

(1) "Cashier's check", a check, however labeled, drawn on the financial institution, which is signed only by an officer or employee of such institution, is a direct obligation of such institution, and is provided to a customer of such institution or acquired from such institution for remittance purposes;

(2) "Certified funds", U.S. currency, funds conveyed by a cashier's check, certified check, teller's check, as defined in Federal Reserve Regulations CC, or wire transfers, including written advice from a financial institution that collected funds have been credited to the settlement agent's account;

(3) "Director", the director of the department of insurance, unless the settlement agent's primary regulator is another division in the department of economic development. When the settlement agent is regulated by such division, that division shall have jurisdiction over sections 381.410 and 381.412;

(4) "Financial institution":

(a) A person or entity doing business [under] **pursuant to** the laws of this state or the United States relating to banks, trust companies, savings and loan associations[,], **or** credit unions[,], commercial and consumer finance companies, industrial loan companies, insurance companies, small business investment corporations licensed pursuant to the Small Business Investment Act of 1958 (15 U.S.C. Section 661, et seq.), as amended, or real estate investment trusts as defined in 26 U.S.C. Section 856, as amended, or institutions constituting the Farm Credit System pursuant to the Farm Credit Act of 1971 (12 U.S.C. Section 2000, et seq.), as amended, or any person which services loans secured by liens or mortgages on real property, which person may or may not maintain a servicing portfolio for such loans]; or

(b) The following persons or entities if their principal place of business is in Missouri or [a state which is contiguous to] **outside Missouri, but within the St. Louis or Kansas City standard metropolitan statistical area:**

a. A mortgage loan company which is subject to licensing, supervision or auditing by the Federal National Mortgage Association, or

the Federal Home Loan Mortgage Corporation, or the United States Veterans Administration, or the Government National Mortgage Association, or the United States Department of Housing and Urban Development, or a successor of any of the foregoing agencies or entities, as an approved seller or servicer; [or

b. A person or entity acting as a mortgage loan company pursuant to court order;]

(5) "Settlement agent", a person, corporation, partnership, or other business organization which accepts funds and documents as fiduciary for the buyer, seller or lender for the purposes of closing a sale of an interest in real estate located within the state of Missouri, and is not a financial institution, or a member in good standing of the Missouri Bar [Association], or a person licensed under chapter 339, RSMo.

**381.412. SETTLEMENT AGENTS, ACCEPTING FUNDS, EXEMPTION — TITLE INSURER, DEPOSIT OF FUNDS — VIOLATION, FINE. — 1.** A settlement agent who accepts funds of more than ten thousand dollars[, but less than two million dollars,] for closing a sale of an interest in real estate shall require a buyer, seller or lender who is not a financial institution to convey such funds to the settlement agent as certified funds. [The settlement agent shall record all security instruments for such real estate closing within three business days of such closing after receipt of such certified funds.] A check:

(1) Drawn on an escrow account of a licensed real estate broker, as regulated and described in section 339.105, RSMo;

(2) Drawn on an escrow account of a title insurer or title insurance agency licensed to do business in Missouri;

(3) Drawn on an agency of the United States of America, the state of Missouri or any county or municipality of the state of Missouri; or

(4) Drawn on an account by a financial institution;  
shall be exempt from the provisions of this section.

2. No title insurer, title insurance agency or title insurance agent, as defined in section [381.031] **381.009**, shall make any payment, disbursement or withdrawal in excess of ten thousand dollars from an escrow account which it maintains as a depository of funds received from the public for the settlement of real estate transactions unless a corresponding deposit of funds was made to the escrow account for the benefit of the payee or payees:

(1) At least ten days prior to such payment, disbursement or withdrawal;

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- (2) Which consisted of certified funds; or
- (3) Consisted of a check made exempt from this section by the provisions of subsection 1 of this section.

3. If the director finds that a settlement agent, title insurer, title insurance agency or title insurance agent has violated any provisions of this section, the director may assess a fine of not more than two thousand dollars for each violation, plus the costs of the investigation. Each separate transaction where certified funds are required shall constitute a separate violation. In determining a fine, the director shall consider the extent to which the violation was a knowing and willful violation, the corrective action taken by the settlement agent to ensure that the violation will not be repeated, and the record of the settlement agent in complying with the provisions of this section.

**SECTION E. EFFECTIVE DATE.**—The provisions of section D of this act shall become effective January 1, 2001.

Approved July 13, 2000

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SB 896 [CCS HS HCS SB 896]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Makes changes to winding up of LLC's, LLP's and corporations.**

AN ACT to repeal sections 140.160, 143.331, 351.055, 351.300, 351.355, 351.690, 359.091, 359.481, 361.230, 361.250, 361.390, 361.440, 361.470, 361.520, 361.540, 361.600, 362.025, 362.035, 362.042, 362.060, 362.115, 362.116, 362.172, 362.235, 362.325, 362.440, 362.450, 362.700, 362.710, 362.730, 362.740, 362.750, 369.219, 375.017, 375.126, 376.350, 379.105, 408.052, 408.234, 525.080, 525.230, 525.233, 525.240 and 525.250, RSMo 1994, and sections 140.110, 148.064, 301.600, 306.400, 306.410, 306.420, 347.137, 347.141, 351.025, 351.245, 351.482, 354.065, 359.451, 362.105, 362.119, 362.170, 362.245, 362.464, 362.600, 362.680, 365.020, 375.022, 400.3-312 and 443.415, RSMo Supp. 1999, and section 136.055 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute

for senate bill no. 19 of the first regular session of the ninetieth general assembly and section 136.055 as enacted by house committee substitute for house bill no. 459 of the first regular session of the eighty-ninth general assembly, relating to business organizations, and to enact in lieu thereof seventy- eight new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

## SECTION

## A. Enacting clause.

- 21.650. Corporate trustee report.
  - 136.055. Agent to collect motor vehicle taxes and issue licenses — fees — sign required.
  - 136.055. Agent to collect motor vehicle taxes and issue licenses — fees — sign required.
  - 140.110. Collection of back taxes, payments applied, how, exceptions — removal of lien.
  - 140.160. Limitation of actions, exceptions — county auditor to furnish delinquent tax list.
  - 143.331. Resident estate or trust defined.
  - 144.815. Bullion and investment coins, sales and use tax exemption.
  - 148.064. Ordering and limit reductions for certain credits — consolidated return — transfers of credits.
  - 301.600. Liens and encumbrances, how perfected — effect of on vehicles and trailers brought into state — security procedures for verifying electronic notices.
  - 306.400. Liens and encumbrances — valid, perfected, when, how, future advances — boats and motors subject to, when, how determined — revenue to establish security procedure, electronic notices, rulemaking authority.
  - 306.410. Duties of parties upon creation of lien or encumbrance — failure of owner to perform certain duties, penalty.
  - 306.420. Satisfaction of lien or encumbrance, release of, procedure — duties of lienholder and director of revenue.
  - 347.137. Dissolution of company, events — notice of winding up.
  - 347.141. Disposition of claims after dissolution — notice of dissolution, requirements — barred claims — notice of winding up, disposition of unknown claims — barred claims — enforcement of claims — fraudulent intent defined.
  - 351.025. Corporation organized under special law may file certification of acceptance of this law.
  - 351.055. Articles of incorporation, contents.
  - 351.245. Shares, how voted — control share acquisition proxies, valid when, requirements, shareholder may authorize another person to act as proxy, procedure — electronic transmission defined.
  - 351.300. Fractional shares, how issued.
  - 351.355. Officer, director, or employee of corporation indemnified, when.
  - 351.482. Unknown claims against dissolved corporation.
  - 351.690. Applicability of chapter to certain corporations.
  - 354.065. Articles of incorporation, how amended — copy to director, when — health service organization may change status to profit business corporation, procedure, time limitation.
  - 359.091. Certificate of limited partnership — filed with secretary of state — contents — formation date, when.
  - 359.451. Dissolution of limited partnership, when.
  - 359.481. Distribution of assets upon winding up — priorities — disposal of unknown claims.
  - 361.230. Branch offices — approval — certificate.
  - 361.250. Extensions of time by director.
  - 361.390. Liquidation — special deputy may be appointed.
  - 361.440. Inventory of assets to be made and filed.
  - 361.470. Liquidation and conservation of assets — compounding debts and compromising certain claims.
  - 361.520. Director to list claims duly presented — when and where filed.
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- 361.540. Claims approved or rejected — list of such claims.
  - 361.600. Duties of director where stockholders elect another to liquidate.
  - 362.025. Articles of agreement to be filed.
  - 362.035. Certificate of incorporation — issuance — to be filed.
  - 362.042. Restated articles of incorporation may be amended at time of restatement.
  - 362.060. Change of par value — notice of meeting — when change effective — director to issue certificate.
  - 362.105. Powers and authority of banks and trust companies.
  - 362.115. Bank may exercise powers of trust companies — application — examination — certificate — trust department.
  - 362.116. Trust accounts, originated by one bank or trust company, administration by another — requirements.
  - 362.119. Investment in trust companies by bank, limitations — definition.
  - 362.170. Unimpaired capital, defined — restrictions on loans, and total liability to any one person.
  - 362.172. Investment in stock of banks or bank holding companies — limitations.
  - 362.235. National bank may become state bank or trust company — procedure, effect.
  - 362.245. Board of directors, qualifications — cumulative voting in electing director permitted when.
  - 362.325. Charter amended — procedure — notice — duty of director — appeal.
  - 362.440. Licenses to foreign corporations — renewal.
  - 362.450. Revocation of authorization certificate or license in certain cases.
  - 362.464. Requirements for foreign bank to relocate in Missouri — application, contents — approval, effect — certificate, filing required — relocation of domestic bank, conversion of charter.
  - 362.600. Reciprocal corporate fiduciary powers — certificates of reciprocity.
  - 362.680. Agreement to be submitted to stockholders, when — exceptions, procedures.
  - 362.700. Agreement for merger becomes effective, when.
  - 362.710. Agreement for consolidation becomes effective, when.
  - 362.730. Dissenting stockholder may receive reasonable value of his or her stock — limitation, petition, hearing, appointment of appraisers.
  - 362.740. Finding and report of appraisers — compensation — notice to be given by clerk of court — minority discount.
  - 362.750. Exceptions to appraisal, review, new appraisal, final judgment — stock to be surrendered.
  - 365.020. Definitions.
  - 369.219. Approved investments.
  - 369.371. Costs of reproducing records — costs of appearing in court or deposition — limitation of liability.
  - 375.017. Reciprocity with sister states, nonresident agent's or broker's license.
  - 375.017. Reciprocity with sister states, nonresident agent's or broker's license.
  - 375.022. Appointment or termination of agent, company to notify director — appointment fee — information confidential.
  - 375.065. Credit insurance agent license — organizational credit agency license — application — fee — rules.
  - 375.126. Reciprocity with sister states, brokers' licenses.
  - 375.347. Restriction on ownership of certain assets not exclusively controlled by an insurance company.
  - 376.350. Reports to director.
  - 379.105. Annual reports — contents.
  - 400.003-312. Lost, destroyed or stolen cashier's check, teller's check or certified check.
  - 407.125. Chapter not limitation for commissioner of securities.
  - 407.2000. Business opportunities — definitions.
  - 407.2015. Practices prohibited — penalty.
  - 407.2021. Civil remedies.
  - 408.052. Points prohibited, exception — penalties for illegal points — violation a misdemeanor — default charge authorized, when, exceptions.
  - 408.234. Minimum amount of loan — collateral — prepayment rights, method of computation.
  - 443.415. Mortgage may be insured for certain buyers, amount, requirements.
  - 525.080. Garnishee to deliver property, or pay debts, or may give bond therefor.
  - 525.230. Allowance in such case to garnishee.
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- 525.233. Notice of garnishment and writ of sequestration to contain federal taxpayer identification number — failure to comply, effect.
- 525.240. Costs adjudged against plaintiff, when — allowance to garnishee.
- 525.250. Adjudication of costs in other cases.
1. Requires filing property control affidavit in certain cities, including Kansas City.
  - B. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Sections 140.160, 143.331, 351.055, 351.300, 351.355, 351.690, 359.091, 359.481, 361.230, 361.250, 361.390, 361.440, 361.470, 361.520, 361.540, 361.600, 362.025, 362.035, 362.042, 362.060, 362.115, 362.116, 362.172, 362.235, 362.325, 362.440, 362.450, 362.700, 362.710, 362.730, 362.740, 362.750, 369.219, 375.017, 375.126, 376.350, 379.105, 408.052, 408.234, 525.080, 525.230, 525.233, 525.240 and 525.250, RSMo 1994, and sections 140.110, 148.064, 301.600, 306.400, 306.410, 306.420, 347.137, 347.141, 351.025, 351.245, 351.482, 354.065, 359.451, 362.105, 362.119, 362.170, 362.245, 362.464, 362.600, 362.680, 365.020, 375.022, 400.3-312 and 443.415, RSMo Supp. 1999, and section 136.055 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19 of the first regular session of the ninetieth general assembly and section 136.055 as enacted by house committee substitute for house bill no. 459 of the first regular session of the eighty-ninth general assembly, are repealed and seventy-eight new sections enacted in lieu thereof, to be known as sections 21.650, 136.055, 140.110, 140.160, 143.331, 144.815, 148.064, 301.600, 306.400, 306.410, 306.420, 347.137, 347.141, 351.025, 351.055, 351.245, 351.300, 351.355, 351.482, 351.690, 354.065, 359.091, 359.451, 359.481, 361.230, 361.250, 361.390, 361.440, 361.470, 361.520, 361.540, 361.600, 362.025, 362.035, 362.042, 362.060, 362.105, 362.115, 362.116, 362.119, 362.170, 362.172, 362.235, 362.245, 362.325, 362.440, 362.450, 362.464, 362.600, 362.680, 362.700, 362.710, 362.730, 362.740, 362.750, 365.020, 369.219, 369.371, 375.017, 375.022, 375.065, 375.347, 376.350, 379.105, 400.3-312, 407.125, 407.2000, 407.2015, 407.2021, 408.052, 408.234, 443.415, 525.080, 525.230, 525.233, 525.240, 525.250 and 1, to read as follows:

**21.650. CORPORATE TRUSTEE REPORT.** — **On or before January 1, 2001, a state organization which is related to a national organization by some common membership, which focuses on issues**

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involving banking and represents a cross section of the Missouri banking community, shall be designated by the speaker of the house of representatives and president pro tem of the senate to report to the general assembly its recommendations for the removal and/or replacement of a corporate trustee in cases where the original corporate trustee has been replaced by a subsequent corporate trustee as a result of, but not limited to, cases involving corporate merger, acquisition, or a cessation of business by the original corporate trustee.

**136.055. AGENT TO COLLECT MOTOR VEHICLE TAXES AND ISSUE LICENSES — FEES — SIGN REQUIRED.**— 1. Any person who is selected or appointed by the state director of revenue to act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes under the provisions of section 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer license sold, renewed or transferred — [two dollars from August 28, 1997, until January 1, 1998; and] two dollars and fifty cents beginning January 1, 1998; and four dollars beginning July 1, 2000, for those licenses biennially renewed pursuant to section 301.147, RSMo;

(2) For each application or transfer of title — [two dollars from August 28, 1997, until January 1, 1998; and] two dollars and fifty cents beginning January 1, 1998;

(3) For each chauffeur's, operator's or driver's license, two dollars and fifty cents beginning January 1, 1998; and four dollars beginning July 1, 2000, for six-year licenses issued or renewed;

**(4) For each notice of lien processed — two dollars and fifty cents beginning August 28, 2000;**

**(5)** No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception — two dollars.

2. This section shall not apply to agents appointed by the state director of revenue in any city, other than a city not within a county, where the department of revenue maintains an office. All fees charged shall not exceed those in this section.

3. Any person acting as agent of the department of revenue for the sale and issuance of licenses and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

4. The fee increases authorized by this section and approved by the general assembly were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign with black letters of at least three inches in height on a white background which states:

The increased fees approved by the Missouri  
Legislature and charged by this fee office  
were requested by the fee agents.

**[136.055. AGENT TO COLLECT MOTOR VEHICLE TAXES AND ISSUE LICENSES — FEES — SIGN REQUIRED.]** — 1. Any person who is selected or appointed by the state director of revenue to act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes under the provisions of section 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer license sold, renewed or transferred — two dollars from August 28, 1997, until January 1, 1998; and two dollars and fifty cents beginning January 1, 1998;

(2) For each application or transfer of title — two dollars from August 28, 1997, until January 1, 1998; and two dollars and fifty cents beginning January 1, 1998;

(3) For each chauffeur's, operator's or driver's license — two dollars until January 1, 1998; and two dollars and fifty cents beginning January 1, 1998;

(4) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception — two dollars.

2. This section shall not apply to agents appointed by the state director of revenue in any city, other than a city not within a county, where the department of revenue maintains an office. All fees charged shall not exceed those in this section.

3. Any person acting as agent of the department of revenue for the sale and issuance of licenses and other documents related to motor

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4. The fee increases authorized by this section and approved by the general assembly were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign with black letters of at least three inches in height on a white background which states:

The increased fees approved by the Missouri  
Legislature and charged by this fee office  
were requested by the fee agents.]

**140.110. COLLECTION OF BACK TAXES, PAYMENTS APPLIED, HOW, EXCEPTIONS — REMOVAL OF LIEN.** — 1. The collectors of the respective counties shall collect the taxes contained in the back tax book. Any person interested in or the owner of any tract of land or lot contained in the back tax book may redeem the tract of land or town lot, or any part thereof, from the state's lien thereon, by paying to the proper collector the amount of the original taxes, as charged against the tract of land or town lot described in the back tax book together with interest from the day upon which the tax first became delinquent at the rate specified in section 140.100.

2. Any payment for personal [or real] property taxes received by the county collector shall first be applied to any back delinquent personal taxes [and to each individual parcel of real estate] on the back tax book before a county collector accepts any payment for all or any part of [real or] personal property taxes due and assessed on the current tax book.

**3. Any payment for real property taxes received by the county collector shall first be applied to back delinquent taxes on the same individual parcel of real estate on the back tax book before a county collector accepts payment for real property taxes due and assessed on the current tax book.**

**4. Subsection 3 of this section shall not apply to payment for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations which they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal Regulations.**

**140.160. LIMITATION OF ACTIONS, EXCEPTIONS — COUNTY AUDITOR TO FURNISH DELINQUENT TAX LIST.** — 1. No proceedings for the sale of land and lots for delinquent taxes [under the provisions of] **pursuant to** this chapter, relating to the collection of delinquent and

back taxes and providing for foreclosure sale and redemption of land and lots therefor, shall be valid unless initial proceedings therefor shall be commenced within three years after delinquency of such taxes, and any sale held pursuant to initial proceedings commenced within such period of three years shall be deemed to have been in compliance with the provisions of said law insofar as the time at which such sales are to be had is specified therein; provided further, that in suits or actions to collect delinquent drainage and/or levee assessments on real estate such suits or actions shall be commenced within three years after delinquency, otherwise no suit or action therefor shall be commenced, had or maintained, **except that the three-year limitation described in this subsection shall not be applicable if any written instrument conveys any real estate having a tax-exempt status, if such instrument causes such real estate to again become taxable real property and if such instrument has not been recorded in the office of the recorder in the county in which the real estate has been situated. Such three-year limitation shall only be applicable once the recording of the title has occurred.**

2. In order to enable county and city collectors to be able to collect delinquent and back taxes, the county auditor in all counties having a county auditor shall annually audit and list all delinquent and back taxes and provide a copy of such audit and list to the county collector and to the governing body of the county. A copy of the audit and list may be provided to city collectors within the county at the discretion of the county collector.

**143.331. RESIDENT ESTATE OR TRUST DEFINED.**— A "resident estate or trust" means:

(1) The estate of a decedent who at his **or her** death was domiciled in this state;

(2) A trust **that:**

(a) **Was** created by will of a decedent who at his **or her** death was domiciled in this state; **and**

(b) **Has at least one income beneficiary who, on the last day of the taxable year, was a resident of this state; or**

(3) A trust **that:**

(a) **Was** created by, or consisting of property of, a person domiciled in this state on the date the trust or portion of the trust became irrevocable; **and**

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(b) Has at least one income beneficiary who, on the last day of the taxable year, was a resident of this state.

**144.815. BULLION AND INVESTMENT COINS, SALES AND USE TAX EXEMPTION.** — In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, 67.782, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, 94.600 to 94.655, 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745, and from the computation of the tax levied, assessed or payable pursuant to sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, 67.782, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, 94.600 to 94.655, 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745, purchases of bullion and investment coins. For purposes of this section, the following terms shall mean:

- (1) "Bullion", gold, silver, platinum or palladium in a bulk state, where its value depends on its content rather than its form, with a purity of not less than nine hundred parts per one thousand; and
- (2) "Investment coins", numismatic coins or other forms of money and legal tender manufactured of gold, silver, platinum, palladium or metals with a fair market value greater than the face value of the coins.

**148.064. ORDERING AND LIMIT REDUCTIONS FOR CERTAIN CREDITS — CONSOLIDATED RETURN — TRANSFERS OF CREDITS.** — 1. Notwithstanding any law to the contrary, this section shall determine the ordering and limit reductions for certain taxes and tax credits which may be used as credits against various taxes paid or payable by banking institutions. Except as adjusted in subsections 2 [and 3], **3 and 6 of this section**, such credits shall be applied in the following order until used against:

- (1) The tax on banks determined under subdivision (2) of subsection 2 of section 148.030;
- (2) The tax on banks determined under subdivision (1) of subsection 2 of section 148.030;
- (3) The state income tax in section 143.071, RSMo.

2. The tax credits permitted against taxes payable pursuant to subdivision (2) of subsection 2 of section 148.030 shall be utilized first and include taxes referenced in subdivisions (2) and (3) of subsection 1 of this section, which shall be determined without reduction for any tax credits identified in subsection 5 of this section which are used to reduce such taxes. Where a banking institution subject to this section joins in the filing of a consolidated state income tax return under chapter 143, RSMo, the credit allowed under this section for state income taxes payable under chapter 143, RSMo, shall be determined based upon the consolidated state income tax liability of the group and allocated to a banking institution, without reduction for any tax credits identified in subsection 5 of this section which are used to reduce such consolidated taxes as provided in chapter 143, RSMo.

3. The taxes referenced in subdivisions (2) and (3) of subsection 1 of this section may be reduced by the tax credits in subsection 5 of this section without regard to any adjustments in subsection 2 of this section.

4. To the extent that certain tax credits which the taxpayer is entitled to claim are transferable, such transferability may include transfers among such taxpayers who are members of a single consolidated income tax return, and this subsection shall not impact other tax credit transferability.

5. For the purpose of this section, the tax credits referred to in subsections 2 and 3 shall include tax credits available for economic development, low-income housing and neighborhood assistance which the taxpayer is entitled to claim for the year, including by way of example and not of limitation, tax credits pursuant to the following sections: section 32.115, RSMo, section 100.286, RSMo, and sections 135.110, 135.225, 135.352, and 135.403, RSMo.

**6. For tax returns filed on or after January 1, 2001, including returns based on income in the year 2000, and after, a banking institution shall be entitled to an annual tax credit equal to one-sixtieth of one percent of its outstanding shares and surplus employed in this state if the outstanding shares and surplus exceed one million dollars, determined in the same manner as in section 147.010, RSMo. This tax credit shall be taken as a dollar-for-dollar credit against the bank tax provided for in subdivision (2) of subsection 2 of section 148.030; if such bank tax was already reduced to zero by other credits, then against the corporate income tax provided for in chapter 143, RSMo.**

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**301.600. LIENS AND ENCUMBRANCES, HOW PERFECTED — EFFECT OF ON VEHICLES AND TRAILERS BROUGHT INTO STATE — SECURITY PROCEDURES FOR VERIFYING ELECTRONIC NOTICES.**— 1. Unless excepted by section 301.650, a lien or encumbrance on a motor vehicle or trailer, as defined by section 301.010, is not valid against subsequent transferees or lienholders of the motor vehicle or trailer who took without knowledge of the lien or encumbrance unless the lien or encumbrance is perfected as provided in sections 301.600 to 301.660.

2. A lien or encumbrance on a motor vehicle or trailer is perfected by the delivery to the director of revenue of a notice of a lien in a format as prescribed by the director of revenue. [It] **The notice of lien** is perfected as of the time of its creation if the delivery of [the aforesaid] **such notice** to the director of revenue is completed within thirty days thereafter, otherwise as of the time of the delivery. **A notice of lien shall contain the name and address of the owner of the motor vehicle or trailer and the secured party, a description of the motor vehicle or trailer, including the vehicle identification number, and such other information as the department of revenue may prescribe. A notice of lien substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.**

3. Liens may secure future advances. The future advances may be evidenced by one or more notes or other documents evidencing indebtedness and shall not be required to be executed or delivered prior to the date of the **future advance** lien securing them. The fact that a lien may secure future advances shall be clearly stated on the security agreement and noted as "subject to future advances" [in the second lienholder's portion of the title application] **on the notice of lien** and noted on the certificate of ownership if the motor vehicle or trailer is subject to only one [lien] **notice of lien. To secure future advances when an existing lien on a motor vehicle or trailer does not secure future advances, the lienholder shall file a notice of lien reflecting the lien to secure future advances. A lien to secure future advances is perfected in the same time and manner as any other lien, except as follows. Proof of the lien for future advances is maintained by the department of revenue; however, there shall be additional proof of such lien when the notice of lien reflects such lien for future advances, is receipted for by the department of revenue, and returned to the lienholder.**

[3.] 4. If a motor vehicle or trailer is subject to a lien or encumbrance when brought into this state, the validity and effect of the lien or encumbrance is determined by the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, subject to the following:

(1) If the parties understood at the time the lien or encumbrance attached that the motor vehicle or trailer would be kept in this state and it was brought into this state within thirty days thereafter for purposes other than transportation through this state, the validity and effect of the lien or encumbrance in this state is determined by the law of this state;

(2) If the lien or encumbrance was perfected pursuant to the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, the following rules apply:

(a) If the name of the lienholder is shown on an existing certificate of title or ownership issued by that jurisdiction, the lien or encumbrance continues perfected in this state;

(b) If the name of the lienholder is not shown on an existing certificate of title or ownership issued by that jurisdiction, the lien or encumbrance continues perfected in this state three months after a first certificate of ownership of the motor vehicle or trailer is issued in this state, and also thereafter if, within the three-month period, it is perfected in this state. The lien or encumbrance may also be perfected in this state after the expiration of the three-month period; in that case perfection dates from the time of perfection in this state;

(3) If the lien or encumbrance was not perfected pursuant to the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, it may be perfected in this state; in that case perfection dates from the time of perfection in this state;

(4) A lien or encumbrance may be perfected pursuant to paragraph (b) of subdivision (2) or subdivision (3) of this subsection either as provided in subsection 2 or 3 of this section or by the lienholder delivering to the director of revenue a notice of lien or encumbrance in the form the director of revenue prescribes and the required fee.

[4.] 5. By rules and regulations, the director of revenue shall establish a security procedure for the purpose of verifying that an electronic notice of lien or notice of satisfaction of a lien on a motor vehicle or trailer given as permitted in sections 301.600 to 301.640 is that of the lienholder, verifying that an electronic notice of confirmation of ownership and perfection of a lien given as required in section 301.610 is that of the director of revenue, and detecting error in the transmission or

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the content of any such notice. A security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, call back procedures or similar security devices. Comparison of a signature on a communication with an authorized specimen signature shall not by itself be a security procedure.

**306.400. LIENS AND ENCUMBRANCES — VALID, PERFECTED, WHEN, HOW, FUTURE ADVANCES — BOATS AND MOTORS SUBJECT TO, WHEN, HOW DETERMINED — REVENUE TO ESTABLISH SECURITY PROCEDURE, ELECTRONIC NOTICES, RULEMAKING AUTHORITY.** — 1. As used in sections 306.400 to 306.440, the terms "motorboat", "vessel", and "watercraft" shall have the same meanings given them in section 306.010, and the term "outboard motor" shall include outboard motors governed by section 306.530.

2. Unless excepted by section 306.425, a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft shall not be valid against subsequent transferees or lienholders of the outboard motor, motorboat, vessel or watercraft, who took without knowledge of the lien or encumbrance unless the lien or encumbrance is perfected as provided in sections 306.400 to 306.430.

3. A lien or encumbrance on an outboard motor, motorboat, vessel or watercraft is perfected by the delivery to the director of revenue of a notice of lien in a format as prescribed by the director. Such lien or encumbrance shall be perfected as of the time of its creation if the delivery of the items required in this subsection to the director of revenue is completed within thirty days thereafter, otherwise such lien or encumbrance shall be perfected as of the time of the delivery. **A notice of lien shall contain the name and address of the owner of the outboard motor, motorboat, vessel or watercraft and the secured party, a description of the outboard motor, motorboat, vessel or watercraft motor, including any identification number, and such other information as the department of revenue may prescribe. A notice of lien substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.**

4. **Liens may secure future advances. The future advances may be evidenced by one or more notes or other documents evidencing indebtedness and shall not be required to be executed or delivered prior to the date of the future advance lien securing them. The fact that a lien may secure future advances shall be clearly stated on the**

**security agreement and noted as "subject to future advances" in the second lienholder's portion of the notice of lien. To secure future advances when an existing lien on an outboard motor, motorboat, vessel or watercraft does not secure future advances, the lienholder shall file a notice of lien reflecting the lien to secure future advances. A lien to secure future advances is perfected in the same time and manner as any other lien, except as follows. Proof of the lien for future advances is maintained by the department of revenue; however, there shall be additional proof of such lien when the notice of lien reflects such lien for future advances, is receipted for by the department of revenue, and returned to the lienholder.**

[4.] 5. Whether an outboard motor, motorboat, vessel, or watercraft is subject to a lien or encumbrance shall be determined by the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, subject to the following:

(1) If the parties understood at the time the lien or encumbrances attached that the outboard motor, motorboat, vessel, or watercraft would be kept in this state and it is brought into this state within thirty days thereafter for purposes other than transportation through this state, the validity and effect of the lien or encumbrance in this state shall be determined by the laws of this state;

(2) If the lien or encumbrance was perfected pursuant to the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, the following rules apply:

(a) If the name of the lienholder is shown on an existing certificate of title or ownership issued by that jurisdiction, his or her lien or encumbrance continues perfected in this state;

(b) If the name of the lienholder is not shown on an existing certificate of title or ownership issued by the jurisdiction, the lien or encumbrance continues perfected in this state for three months after the first certificate of title of the outboard motor, motorboat, vessel, or watercraft is issued in this state, and also thereafter if, within the three-month period, it is perfected in this state. The lien or encumbrance may also be perfected in this state after the expiration of the three-month period, in which case perfection dates from the time of perfection in this state;

(3) If the lien or encumbrance was not perfected pursuant to the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, it may be

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perfected in this state, in which case perfection dates from the time of perfection in this state;

(4) A lien or encumbrance may be perfected pursuant to paragraph (b) of subdivision (2) or subdivision (3) of this subsection in the same manner as provided in subsection 3 of this section.

[5.] **6.** The director of revenue shall by rules and regulations establish a security procedure to verify that an electronic notice or lien or notice of satisfaction of a lien on an outboard motor, motorboat, vessel or watercraft given pursuant to sections 306.400 to 306.440 is that of the lienholder, to verify that an electronic notice of confirmation of ownership and perfection of a lien given pursuant to section 306.410 is that of the director of revenue and to detect error in the transmission or the content of any such notice. Such a security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, callback procedures or similar security devices. Comparison of a signature on a communication with an authorized specimen signature shall not by itself constitute a security procedure.

**306.410. DUTIES OF PARTIES UPON CREATION OF LIEN OR ENCUMBRANCE — FAILURE OF OWNER TO PERFORM CERTAIN DUTIES, PENALTY.**—If an owner creates a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft:

(1) The owner shall immediately execute the application, either in the space provided therefor on the certificate of title or on a separate form the director of revenue prescribes, to name the lienholder on the certificate of title, showing the name and address of the lienholder and the date of his or her security agreement, and shall cause the certificate of title, the application and the required fee to be mailed or delivered to the director of revenue. Failure of the owner to do so is a class A misdemeanor;

(2) The lienholder or an authorized agent licensed pursuant to sections 301.112 to 301.119, RSMo, shall deliver to the director of revenue a notice of lien as prescribed by the director accompanied by all other necessary documentation to perfect a lien pursuant to section 306.400;

(3) Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title who receives the owner's application and required fee shall mail or deliver the certificate of title, application, and fee to the director of revenue, **unless such certificate of title secures future advance liens**. The delivery of the certificate of title

to the director of revenue shall not affect the rights of the first lienholder under his or her security agreement;

(4) Upon receipt of the certificate of title, application and the required fee, the director of revenue shall issue a new certificate of title containing the name and address of the new lienholder, and mail the certificate of title to the first lienholder named in it or if a lienholder has elected to have the director of revenue retain possession of an electronic certificate of title, the lienholder shall either mail or deliver to the director a notice of authorization for the director to add a subordinate lienholder to the existing certificate. Upon receipt of such authorization and a notice of lien from a subordinate lienholder, the director shall add the subordinate lienholder to the certificate of title being electronically retained by the director and provide confirmation of the addition to both lienholders.

**306.420. SATISFACTION OF LIEN OR ENCUMBRANCE, RELEASE OF, PROCEDURE — DUTIES OF LIENHOLDER AND DIRECTOR OF REVENUE.**

— 1. Upon the satisfaction of a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft for which the certificate of title is in the possession of the lienholder **and provided the owner waives any rights to future advances subject to a lien in this chapter**, the lienholder shall, within ten days after demand and, in any event, within thirty days, execute a release of his or her lien or encumbrance, and mail or deliver the certificate and release to the next lienholder named therein, or, if no other lienholder is so named, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. The owner may cause the certificate of title, the release, and the required fee to be mailed or delivered to the director of revenue, who shall release the lienholder's rights on the certificate and issue a new certificate of title.

2. Upon the satisfaction of a second or third lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft for which the certificate of title is in the possession of the first lienholder, the lienholder whose lien or encumbrance is satisfied shall, within ten days after demand, and, in any event, within thirty days, execute a release and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The lienholder in possession of the certificate of title shall, at the request of the owner and upon receipt of the release and the required fee, either mail or deliver the certificate, the release, and the required fee to the director of revenue,

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or deliver the certificate of title to the owner, or the person authorized by him or her, for delivery of the certificate, the release and required fee to the director of revenue, who shall release the subordinate lienholder's rights on the certificate of title and issue a new certificate of title.

3. If the electronic certificate of title is in the possession of the director of revenue, the lienholder shall notify the director within ten business days of any release of lien and provide the director with the most current address of the owner. The director shall note such release on the electronic certificate and if no other lien exists, the director shall mail or deliver the certificate free of any lien to the owner.

**347.137. DISSOLUTION OF COMPANY, EVENTS — NOTICE OF WINDING UP.**— 1. A domestic limited liability company shall be dissolved upon the occurrence of any of the following:

(1) [At the time or] Upon the happening of the events specified in the operating agreement or in the articles of organization;

(2) Upon the written consent of all members;

(3) Except as otherwise provided in the operating agreement, an event of withdrawal of a member, if a majority, by number, of the remaining members agree within ninety days after the occurrence of the event of withdrawal to dissolve the limited liability company;

(4) An event of withdrawal with respect to the sole remaining member;

(5) Entry of a decree of dissolution under section 347.143; or

(6) When the limited liability company is not the surviving entity in a merger or consolidation.

2. As soon as possible following the occurrence of any of the events specified in subdivisions (1) to (4) of subsection 1 of this section effecting the dissolution of the limited liability company, the limited liability company shall file a notice of winding up with the secretary which discloses the dissolution of the limited liability company and the commencement of winding up of its business and affairs.

**347.141. DISPOSITION OF CLAIMS AFTER DISSOLUTION — NOTICE OF DISSOLUTION, REQUIREMENTS — BARRED CLAIMS — NOTICE OF WINDING UP, DISPOSITION OF UNKNOWN CLAIMS — BARRED CLAIMS — ENFORCEMENT OF CLAIMS — FRAUDULENT INTENT DEFINED.**— 1. A dissolved limited liability company may dispose of the known claims against it in accordance with subsections 1 and 2 of this section. The dissolved limited liability company shall notify its known claimants in

writing of the dissolution at any time after its effective date. The written notice must do all of the following:

- (1) Describe information that must be included in a claim;
- (2) Provide a mailing address where a claim may be sent;
- (3) State the deadline, which may not be fewer than ninety days from the effective date of the written notice, by which the dissolved limited liability company must receive the claim; and

- (4) State that the claim will be barred if not received by the deadline.

2. Notwithstanding other provisions of law, including laws regarding permissibility of third-party claims, to the contrary, a claim against a limited liability company dissolved without fraudulent intent is barred if either of the following occurs:

- (1) A claimant who was given written notice under subsection 1 of this section does not deliver the claim to the dissolved limited liability company by the deadline; or

- (2) A claimant whose claim was rejected by the dissolved limited liability company does not commence a proceeding to enforce the claim within one hundred and twenty days from the effective date of the rejection notice.

For purposes of this subsection, "claim" does not include a contingent liability or a claim based on an event occurring after the effective date of dissolution.

3. A dissolved limited liability company may dispose of the unknown claims against it by filing a notice of winding up in accordance with subsections 3 and 4 of this section. The notice of winding up shall meet all of the following requirements:

- (1) Be published one time in a newspaper of general circulation in the county where the dissolved limited liability company's principal office, or if not in this state, its registered office, is or was located;

- (2) Be published one time in a publication of statewide circulation whose audience is primarily persons engaged in the practice of law in this state and which is published not less than four times per year;

- (3) **Be published one time in the Missouri Register;**

- (4) Contain a request that persons with claims against the limited liability company present them in accordance with the notice of winding up;

[(4)] (5) Describe the information that must be included in a claim and provide a mailing address where the claim may be sent; and

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[(5)] (6) State that a claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the notice.

4. Notwithstanding other provisions of law, including laws regarding permissibility of third-party claims, to the contrary, if a limited liability company dissolved without fraudulent intent files a notice of winding up in accordance with subsection 2 of section 347.137 and publishes such notice in accordance with subsection 3 of this section, the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved limited liability company within three years after the date the notice of winding up is filed or published, whichever occurs later:

(1) A claimant who did not receive written notice under subsection 1 of this section;

(2) A claimant whose claim was timely sent to the dissolved limited liability company but not acted on; or

(3) A claimant whose claim is contingent or based on an event occurring after the effective date of dissolution.

5. A claim may be enforced under this section in either of the following ways:

(1) Against the dissolved limited liability company, to the extent of its undistributed assets; or

(2) If the assets have been distributed in liquidation, against a member of the dissolved limited liability company to the extent of the member's pro rata share of the claim or the limited liability company assets distributed to the member in liquidation, whichever is less, but a member's total liability for all claims under this section shall not exceed the total amount of assets distributed to the member in liquidation.

6. For purposes of this section, "fraudulent intent" shall be established if it is shown that the sole or primary purpose of the dissolution was to defraud members, creditors or others.

7. Notwithstanding any other provision of this chapter to the contrary, except as provided in subsection 8 of this section, a claim against a limited liability company dissolved pursuant to this chapter for which claim the limited liability company has a contract of insurance which will indemnify the limited liability company for any adverse result from such claim:

(1) Is not subject to the provisions of subsections 1 to 6 of this section and may not be barred by compliance with subsections 1 to 6 of this section;

(2) May be asserted at any time within the statutory period otherwise provided by law for such claims;

(3) May be asserted against, and service of process had upon, the dissolved limited liability company for whom the court, at the request of the party bringing the suit, shall appoint a defendant ad litem.

8. Judgments obtained in suits filed and prosecuted pursuant to subsection 7 of this section shall only be enforceable against one or more contracts of insurance issued to the limited liability company, its officers, directors, agents, servants or employees, indemnifying them, or any of them, against such claims.

**351.025. CORPORATION ORGANIZED UNDER SPECIAL LAW MAY FILE CERTIFICATION OF ACCEPTANCE OF THIS LAW.**— 1. Any existing corporation heretofore organized for profit under any special law of this state may accept the provisions of this chapter and be entitled to all of the rights, privileges and benefits provided by this chapter, as well as accepting the obligations and duties imposed by this chapter, by filing with the secretary of state a certificate of acceptance of this chapter, signed by its president and secretary, duly authorized by its board of directors, and approved by the affirmative vote of a majority of its outstanding shares.

2. Any health services corporation organized as a not for profit corporation pursuant to chapter 354, RSMo, that has complied with the provisions of section 354.065, RSMo, may accept the provisions of this chapter and be entitled to all of the rights, privileges and benefits provided by this chapter, as well as accepting the obligations and duties imposed by this chapter, by filing with the secretary of state a certificate of acceptance of this chapter, signed by its president and secretary, duly authorized by its board of directors, and approved by the affirmative vote of a majority of its outstanding shares, if any.

3. The provisions of subsection 2 of this section shall expire and have no force and effect on and after August 31, [2000] **2001**.

**351.055. ARTICLES OF INCORPORATION, CONTENTS.**— The articles of incorporation shall set forth:

(1) The name of the corporation;

(2) The address, including street and number, if any, of its initial registered office in this state, and the name of its initial registered agent at such address;

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(3) The aggregate number of shares which the corporation shall have the authority to issue, and the number of shares of each class, if any, that are to have a par value and the par value of each share of each such class, and the number of shares of each class, if any, that are to be without par value and also a statement of the preferences, qualifications, limitations, restrictions, and the special or relative rights including convertible rights, if any, in respect of the shares of each class;

(4) The extent, if any, to which the preemptive right of a shareholder to acquire additional shares is limited or denied;

(5) The name and place of residence of each incorporator;

(6) Either (a) the number of directors to constitute the first board of directors and a statement to the effect that thereafter the number of directors shall be fixed by, or in the manner provided in, the bylaws of the corporation, and that any changes shall be reported to the secretary of state within thirty calendar days of such change, or (b) the number of directors to constitute the board of directors, except that the number of directors to constitute the board of directors must be stated in the articles of incorporation if the corporation is to have less than three directors. The persons to constitute the first board of directors may, but need not, be named;

(7) The number of years the corporation is to continue, which may be any number or perpetual;

(8) The purposes for which the corporation is formed;

(9) **If the incorporators, the directors pursuant to subsection 1 of section 351.090 or the shareholders pursuant to subsection 2 of section 351.090 choose to do so, a provision eliminating or limiting the personal liability of a director to the corporation or its shareholders for monetary damages for breach of fiduciary duty as a director, provided that such provision shall not eliminate or limit the liability of a director (a) for any breach of the director's duty of loyalty to the corporation or its shareholders, (b) for acts or omissions not in subjective good faith or which involve intentional misconduct or a knowing violation of law, (c) pursuant to section 351.345 or (d) for any transaction from which the director derived an improper personal benefit. No such provision shall eliminate or limit the liability of a director for any act or omission occurring prior to the date when such provision becomes effective. All references in this subdivision to a director shall also be deemed to refer (e) to a member of the governing body of a corporation which is not authorized to issue capital stock and (f) to such other person**

**or persons, if any, who, pursuant to a provision of the articles of incorporation in accordance with this chapter, exercise or perform any of the powers or duties otherwise conferred or imposed upon the board of directors by this chapter;**

**(10) Any other provisions, not inconsistent with law, which the incorporators, the directors pursuant to subsection 1 of section 351.090 or the shareholders pursuant to subsection 2 of section 351.090 may choose to insert.**

**351.245. SHARES, HOW VOTED — CONTROL SHARE ACQUISITION PROXIES, VALID WHEN, REQUIREMENTS, SHAREHOLDER MAY AUTHORIZE ANOTHER PERSON TO ACT AS PROXY, PROCEDURE — ELECTRONIC TRANSMISSION DEFINED.**— 1. Unless otherwise provided in the articles of incorporation, each outstanding share entitled to vote under the provisions of the articles of incorporation shall be entitled to one vote on each matter submitted to a vote at a meeting of shareholders. If the articles of incorporation provide for more or less than one vote for any share on any matter, every reference in this chapter to a vote by a majority or other proportion of stock shall refer to such majority or other proportion of the votes of such stock.

**2. No person shall vote any shares which at that time belong to the corporation which issued such shares, or which at that time belong to an entity controlled by such corporation. For this purpose, the corporation controls any entity as to which such corporation either:**

**(1) Directly or indirectly owns a majority, measured by voting power, of the outstanding stock or other equity interests entitled to vote for the directors or managers of such entity; or**

**(2) In the case of a partnership or a member-managed limited liability company, directly or indirectly owns a majority of the equity interests and also is a member or a general partner. In addition, no such shares shall be counted as outstanding for quorum purposes. Nothing in this subsection shall be construed as denying or limiting the right of any corporation or entity to vote shares of stock held by it in a fiduciary capacity.**

**3. Unless the articles of incorporation or bylaws provide otherwise, each shareholder in electing directors shall have the right to cast as many votes in the aggregate as shall equal the number of votes held by the shareholder in the corporation, multiplied by the number of directors to be elected at the election, and each shareholder may cast the whole**

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number of votes, either in person or by proxy, for one candidate, or distribute them among two or more candidates.

[3.] 4. A shareholder may vote either in person or by proxy. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy. Any proxy delivered for or in connection with the shareholder authorization of a control share acquisition pursuant to section 351.407 is valid only if it provides that it is revocable and if it is solicited, appointed, and received both (a) in accordance with all applicable legal requirements and (b) separate and apart from the sale or purchase, contract or tender for sale or purchase, or request or invitation for tender for sale or purchase, of shares of the issuing public corporation. A duly executed proxy shall be irrevocable if it states that it is irrevocable and if, and only so long as, it is coupled with an interest sufficient in law to support an irrevocable power of attorney; except that, as provided in this subsection proxies appointed for or in connection with the shareholder authorization of a control share acquisition pursuant to section 351.407 shall be revocable at all times prior to the obtaining of such shareholder authorization, whether or not coupled with an interest. The interest with which it is coupled need not be an interest in the shares themselves, but it may be such an interest or an interest in the corporation generally.

[4.] 5. Without limiting the manner in which a shareholder may authorize a person to act for the shareholder as proxy pursuant to this section, the following shall constitute a valid means by which a shareholder may grant such authority:

(1) A shareholder or the shareholder's duly authorized attorney in fact may execute a writing authorizing another person to act for the shareholder as proxy. Execution may be accomplished by the shareholder or duly authorized attorney in fact signing such writing or causing the shareholder's signature to be affixed to such writing by any reasonable means, including, but not limited to, facsimile signature;

(2) A shareholder may authorize another person to act for the shareholder as proxy by transmitting or authorizing the transmission of a telegram, cablegram, facsimile or other means of electronic transmission, or by telephone, to the person who will be the holder of the proxy or to a proxy solicitation firm, proxy support service organization or like agent duly authorized by the person who will be the holder of the proxy to receive such transmission, provided that any such telegram, cablegram, facsimile or other means of electronic transmission, or telephonic transmission shall either set forth or be submitted with information from

which it can be determined that the telegram, cablegram, facsimile or other electronic transmission, or telephonic transmission was authorized by the shareholder. If it is determined that such telegrams, cablegrams, facsimiles or other electronic transmissions, or telephonic transmissions are valid, the inspectors or, if there are no inspectors, such other persons making such determination shall specify the information upon which they relied. "Electronic transmission" shall mean any process of communication not directly involving the physical transfer of paper that is suitable for the retention, retrieval, and reproduction of information by the recipient.

**351.300. FRACTIONAL SHARES, HOW ISSUED.**— A corporation may issue fractions of a share and it may issue a certificate for a fractional share, or, by action of its board of directors, may [issue] in lieu thereof **pay cash equal to the value of such fractional share, or issue** scrip or other evidence of ownership which shall entitle the holder to receive a certificate for a full share upon the surrender of such scrip or other evidence of ownership aggregating a full share. A certificate for a fractional share shall (but scrip or other evidence of ownership shall not, unless otherwise provided by resolution of the board of directors) entitle the holder to all of the rights of a shareholder, including without limitation the right to exercise any voting right, or to receive dividends thereon or to participate in any of the assets of the corporation in the event of liquidation. The board of directors may cause such scrip or evidence of ownership (other than a certificate for a fractional share) to be issued subject to the condition that it shall become void if not exchanged for share certificates before a specified date, or subject to the condition that the shares for which such scrip or evidence of ownership is exchangeable may be sold by the corporation and the proceeds thereof distributed to the holders of such scrip or evidence of ownership, or subject to any other conditions which the board of directors may deem advisable.

**351.355. OFFICER, DIRECTOR, OR EMPLOYEE OF CORPORATION INDEMNIFIED, WHEN.**— 1. A corporation created under the laws of this state may indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit, or proceeding, whether civil, criminal, administrative or investigative, other than an action by or in the right of the corporation, by reason of the fact that he **or she** is or was a director, officer, employee or agent of the

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corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses, including attorneys' fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit, or proceeding if he **or she** acted in good faith and in a manner he **or she** reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his **or her** conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he **or she** reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his **or her** conduct was unlawful.

2. The corporation may indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that he **or she** is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses, including attorneys' fees, and amounts paid in settlement actually and reasonably incurred by him in connection with the defense or settlement of the action or suit if he **or she** acted in good faith and in a manner he **or she** reasonably believed to be in or not opposed to the best interests of the corporation; except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his **or her** duty to the corporation unless and only to the extent that the court in which the action or suit was brought determines upon application that, despite the adjudication of liability and in view of all the circumstances of the case, the person is fairly and reasonably entitled to indemnity for such expenses which the court shall deem proper.

3. **Except as otherwise provided in the articles of incorporation or the bylaws,** to the extent that a director, officer, employee or agent of the corporation has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in subsections 1 and 2 of this

section, or in defense of any claim, issue or matter therein, he **or she** shall be indemnified against expenses, including attorneys' fees, actually and reasonably incurred by him in connection with the action, suit, or proceeding.

4. Any indemnification under subsections 1 and 2 of this section, unless ordered by a court, shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the director, officer, employee or agent is proper in the circumstances because he **or she** has met the applicable standard of conduct set forth in this section. The determination shall be made by the board of directors by a majority vote of a quorum consisting of directors who were not parties to the action, suit, or proceeding, or if such a quorum is not obtainable, or even if obtainable a quorum of disinterested directors so directs, by independent legal counsel in a written opinion, or by the shareholders.

5. Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the corporation in advance of the final disposition of the action, suit, or proceeding as authorized by the board of directors in the specific case upon receipt of an undertaking by or on behalf of the director, officer, employee or agent to repay such amount unless it shall ultimately be determined that he **or she** is entitled to be indemnified by the corporation as authorized in this section.

6. The indemnification provided by this section shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under the articles of incorporation or bylaws or any agreement, vote of shareholders or disinterested directors or otherwise, both as to action in his **or her** official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

7. A corporation created under the laws of this state shall have the power to give any further indemnity, in addition to the indemnity authorized or contemplated under other subsections of this section, including subsection 6, to any person who is or was a director, officer, employee or agent, or to any person who is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, provided such further indemnity is either (i) authorized, directed, or provided for in the articles of incorporation of the corporation or any duly adopted amendment thereof or (ii) is authorized, directed, or provided for in any bylaw or agreement of the corporation which has been adopted by a vote

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of the shareholders of the corporation, and provided further that no such indemnity shall indemnify any person from or on account of such person's conduct which was finally adjudged to have been knowingly fraudulent, deliberately dishonest or willful misconduct. Nothing in this subsection shall be deemed to limit the power of the corporation under subsection 6 of this section to enact bylaws or to enter into agreements without shareholder adoption of the same.

8. The corporation may purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against him and incurred by him in any such capacity, or arising out of his **or her** status as such, whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section.

9. Any provision of this chapter to the contrary notwithstanding, the provisions of this section shall apply to all existing and new domestic corporations, including but not limited to banks, trust companies, insurance companies, building and loan associations, savings bank and safe deposit companies, mortgage loan companies, corporations formed for benevolent, religious, scientific or educational purposes and nonprofit corporations.

10. For the purpose of this section, references to "the corporation" include all constituent corporations absorbed in a consolidation or merger as well as the resulting or surviving corporation so that any person who is or was a director, officer, employee or agent of such a constituent corporation or is or was serving at the request of such constituent corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise shall stand in the same position under the provisions of this section with respect to the resulting or surviving corporation as he **or she** would if he **or she** had served the resulting or surviving corporation in the same capacity.

11. For purposes of this section, the term "other enterprise" shall include employee benefit plans; the term "fines" shall include any excise taxes assessed on a person with respect to an employee benefit plan; and the term "serving at the request of the corporation" shall include any service as a director, officer, employee or agent of the corporation which imposes duties on, or involves services by, such director, officer,

employee, or agent with respect to an employee benefit plan, its participants, or beneficiaries; and a person who acted in good faith and in a manner he **or she** reasonably believed to be in the interest of the participants and beneficiaries of an employee benefit plan shall be deemed to have acted in a manner "not opposed to the best interests of the corporation" as referred to in this section.

**351.482. UNKNOWN CLAIMS AGAINST DISSOLVED CORPORATION.**

— 1. After dissolution is authorized, a corporation may also publish notice of its dissolution and request that persons with claims against the corporation present them in accordance with the notice.

2. The notice shall:

(1) Be published one time in a newspaper of general circulation in the county where the corporation's principal office, or, if none in this state, its registered office, is or was last located;

(2) Be published one time in a publication of statewide circulation whose audience is primarily persons engaged in the practice of law in this state and which is published not less than four times per year;

(3) **At the request of the corporation, be published by the secretary of state in an electronic format accessible to the public;**

(4) Describe the information that must be included in a claim and provide a mailing address where the claim may be sent; and

[(4)] (5) State that a claim against the corporation will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of the notice.

3. Other rules of law, including rules on the permissibility of third-party claims, to the contrary notwithstanding, if a corporation dissolved without fraudulent intent publishes notices in accordance with subsection 2 of this section, the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation within two years after the publication date of whichever of the notices was published last:

(1) A claimant who did not receive written notice pursuant to section 351.478;

(2) A claimant whose claim was timely sent to the dissolved corporation but not acted on;

(3) A claimant whose claim is contingent or based on an event occurring after the effective date of dissolution.

4. A claim may be enforced pursuant to this section only:

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(1) Against the dissolved corporation, to the extent of its undistributed assets; or

(2) If the assets have been distributed in liquidation, against a shareholder of the dissolved corporation to the extent of the shareholder's pro rata share of the claim or the corporate assets distributed to the shareholder in liquidation, whichever is less, but a shareholder's total liability for all claims pursuant to this section may not exceed the total amount of assets distributed to the shareholder.

5. For purposes of this section, "fraudulent intent" shall be established if it is shown that the sole or primary purpose of the authorization for dissolution or the dissolution was to defraud shareholders, creditors or others.

**351.690. APPLICABILITY OF CHAPTER TO CERTAIN CORPORATIONS.**—The provisions of this chapter shall be applicable to existing corporations and corporations not formed pursuant to this chapter as follows:

(1) Those provisions of this [law] **chapter** requiring reports, registration statements and the payment of taxes and fees, shall be applicable, to the same extent and with the same effect, to all existing corporations, domestic and foreign, which were required to make such reports and registration statements and to pay such taxes and fees, prior to November 21, 1943;

(2) [No] **The provisions of this [law, other than those] chapter shall be applicable to banks, trust companies and safe deposit companies when such provisions relating to the internal affairs of a corporation supplement the existing provisions of chapter 362, RSMo, or when the provisions of chapter 362, RSMo, do not deal with a matter involving the internal affairs of a corporation organized pursuant to the provisions of chapter 362, RSMo, as well as those provisions mentioned in subdivision (1) of this section, to the extent applicable. For the purposes of this chapter, the "internal affairs of a corporation" shall include, but not be limited to, matters of corporate governance, director and officer liability, and financial structure;**

(3) **No provisions of this chapter, other than those** mentioned in subdivision (1) of this section, and then only to the extent required by the statutes [under] **pursuant to** which they are incorporated, or other than the provisions of section 351.347, or section 351.355, shall be applicable to [banks, trust companies,] insurance companies, savings and loan

associations, [safe deposit companies,] corporations formed for benevolent, religious, scientific or educational purposes, and nonprofit corporations;

[(3)] (4) Only those provisions of this [law] **chapter** which supplement the existing laws applicable to railroad corporations, union stations, cooperative companies for profit, credit unions, street railroads, telegraph and telephone companies, booming and rafting companies, urban redevelopment corporations, professional corporations, development finance corporations, and loan and investment companies, and which are not inconsistent with, or in conflict with the purposes of, or are not in derogation or limitation of, such existing laws, shall be applicable to the type of corporations mentioned above in this subdivision; and without limiting the generality of the foregoing, those provisions of this chapter which permit the issuance of shares without par value and the amendment of articles of incorporation for such purpose shall be applicable to railroad corporations, union stations, street railroads, telegraph and telephone companies, and booming and rafting companies, professional corporations, development finance corporations, and loan and investment companies, and those provisions of this [law] **chapter** mentioned in subdivisions (1) and (2) of this section will apply to all corporations mentioned in this subdivision; except that, the annual report and fee of a professional corporation [under] **pursuant to** section 356.211, RSMo, shall suffice in lieu of the annual registration and fee required of a business corporation;

[(4)] (5) All of the provisions of this [law] **chapter** to the extent provided shall apply to all other corporations existing [under] **pursuant to** general laws of this state enacted prior to November 21, 1943, and not specifically mentioned in subdivisions (1), (2) and (3) of this section.

**354.065. ARTICLES OF INCORPORATION, HOW AMENDED — COPY TO DIRECTOR, WHEN — HEALTH SERVICE ORGANIZATION MAY CHANGE STATUS TO PROFIT BUSINESS CORPORATION, PROCEDURE, TIME LIMITATION.**— 1. A corporation may amend its articles of incorporation from time to time in the manner provided in chapter 355, RSMo, and shall file a duly certified copy of its certificate of amendment with the director of insurance within twenty days after the issuance of the certificate of amendment by the secretary of state. Upon the issuance of the certificate of amendment by the secretary of state, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly.

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2. A health services corporation organized as a not for profit corporation pursuant to this chapter may amend its articles in the manner provided in chapter 355, RSMo, to change its status to that of a for profit business corporation and accept the provisions of chapter 351, RSMo, by:

(1) Adopting a resolution amending its articles of incorporation or articles of agreement so as:

(a) To eliminate any purpose, power or other provision thereof not authorized to be set forth in the articles of incorporation of corporations organized pursuant to chapter 351, RSMo;

(b) To set forth any provision authorized pursuant to chapter 351, RSMo, to be inserted in the articles of incorporation of corporations organized pursuant to chapter 351, RSMo, which the corporation chooses to insert therein and the material and information required to be set forth pursuant to chapter 351, RSMo, in the original articles of incorporation of corporations organized pursuant to chapter 351, RSMo;

(2) Adopting a resolution accepting all of the provisions of chapter 351, RSMo, and providing that such corporation shall for all purposes be thenceforth deemed to be a corporation organized pursuant to chapter 351, RSMo;

(3) By filing with the secretary of state a certificate of acceptance of chapter 351, RSMo;

(4) By complying with the provisions of sections 355.616 and 355.621, RSMo, to the extent those sections would apply if such health services corporation were merging with a domestic business corporation with the proposed amended articles of incorporation serving as the proposed plan of merger.

3. The provisions of subsection 2 of this section shall expire and have no force and effect on and after August 31, [2000] **2001**.

**359.091. CERTIFICATE OF LIMITED PARTNERSHIP — FILED WITH SECRETARY OF STATE — CONTENTS — FORMATION DATE, WHEN. — 1.** In order to form a limited partnership, a certificate of limited partnership shall be executed and filed in the office of the secretary of state. The certificate shall set forth:

- (1) The name of the limited partnership;
- (2) The address of the registered office and the name of the registered agent at such office;
- (3) The name and the mailing address of each general partner;

(4) The [latest date upon] **events, if any on** which the limited partnership is to dissolve **or the number of years the limited partnership is to continue, which may be any number or perpetual;**

(5) Any other matters the general partners determine to include therein.

2. A limited partnership is formed at the time of the filing of the certificate of limited partnership in the office of the secretary of state or at any other time specified in the certificate of limited partnership if, in either case, there has been substantial compliance with the requirements of this section.

**359.451. DISSOLUTION OF LIMITED PARTNERSHIP, WHEN.**— A limited partnership is dissolved and its affairs shall be wound up upon the first to occur of the following:

(1) [At the time] **Upon the happening of events** specified in the certificate of limited partnership;

(2) Upon the happening of events specified in writing in the partnership agreement;

(3) Written consent of all partners;

(4) An event of withdrawal of a general partner unless:

(a) There remains at least one other general partner and the written provisions of the partnership agreement permit the business of the limited partnership to be carried on by the remaining general partner, alone or together with one or more new general partners, and that partner or those partners do so; or

(b) Within ninety days after the withdrawal, partners owning a majority of the profits interests and a majority of the capital interests held by all partners agree in writing to continue the business of the limited partnership and, if there is no remaining general partner, to the appointment of one or more additional general partners if necessary or desired; or

(5) Entry of a decree of judicial dissolution under section 359.461.

**359.481. DISTRIBUTION OF ASSETS UPON WINDING UP — PRIORITIES — DISPOSAL OF UNKNOWN CLAIMS.**— **1.** Upon the winding up of a limited partnership, the assets shall be distributed as follows:

(1) To creditors, including partners who are creditors, to the extent permitted by law, in satisfaction of liabilities of the limited partnership

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other than liabilities for distributions to partners under section 359.321 or 359.351;

(2) Except as provided in the partnership agreement, to partners and former partners in satisfaction of liabilities for distributions under section 359.321 or 359.351; and

(3) Except as provided in the partnership agreement, to partners first for the return of their contributions and secondly respecting their partnership interests, in the proportions in which the partners share in distributions.

**2. A dissolved limited partnership may dispose of the unknown claims against it by filing a notice of winding up in accordance with this subsection. The notice of winding up shall meet all of the following requirements:**

**(1) Be published one time in a newspaper of general circulation in the county where the corporation's principal office, or, if none in this state, its registered office, is or was last located;**

**(2) Be published one time in the Missouri Register;**

**(3) Be published one time in a publication of statewide circulation whose audience is primarily persons engaged in the practice of law in this state and which is published not less than four times per year;**

**(4) Contain a request that persons with claims against the partnership present them in accordance with the notice of winding up;**

**(5) Describe the information that must be included in a claim and provide a mailing address where the claim may be sent; and**

**(6) State that a claim against the partnership will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the notice.**

**361.230. BRANCH OFFICES — APPROVAL — CERTIFICATE. — 1.**

Upon receipt by the director of a written application for leave to open a branch office from a corporation authorized by law to open branch offices, he **or she** shall make such investigation as he **or she** may deem necessary to ascertain whether the public convenience and advantage will be promoted by the opening of the branch office and whether the corporation has the amount of actually paid in capital required by law.

2. If satisfied that the granting of the application is expedient and desirable, he **or she** shall make a certificate in [triplicate] **duplicate** under his **or her** hand and official seal authorizing the opening and

occupation of the branch office and specifying the date on or after which and the condition under which it may be opened and the place where it shall be located, and shall file one [triplicate in his own office, one in the office of the recorder of the county or city wherein the principal place of business of the corporation is located,] **duplicate in the public records of the division of finance** and shall transmit the other to the applicant.

3. If the director shall be satisfied that the opening of the branch office is undesirable or inexpedient or that the corporation has not the requisite amount of capital actually paid in, he **or she** shall refuse the application and notify the corporation of his **or her** determination; provided, that this section shall not be construed to empower the director to grant a certificate for any bank or trust company organized under the laws of this state to maintain in this state any branch bank or branch trust company.

**361.250. EXTENSIONS OF TIME BY DIRECTOR.**—For satisfactory cause to him shown, the director of finance may grant extensions of time to corporations to which this chapter is applicable, as follows:

(1) He **or she** may extend for not more than one year the time within which any such corporation may commence business. Such extension shall only be made by an order under his **or her** hand and official seal which shall be executed in [triplicate] **duplicate** and one copy thereof shall be filed in [the director's office, one in the office of the recorder of the county or city in which the articles of agreement of such corporation have been filed,] **the public records of the division of finance** and the [third] **second** shall be transmitted to such corporation.

(2) He **or she** may extend, for not exceeding twenty days, the time within which any such corporation is required to make and file any report to the director.

(3) In all other cases where, by any provision of this chapter, he **or she** is given power to grant extensions of time, it shall be within his **or her** sound discretion to grant such extension, which shall be in writing, and a copy thereof shall be filed in the office of the director.

**361.390. LIQUIDATION — SPECIAL DEPUTY MAY BE APPOINTED.**—

1. The director may, by certificate, under his **or her** hand and official seal, appoint one or more special deputy directors as agent or agents to assist him in liquidating the business and affairs of any corporation in his **or her** possession.

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2. The director shall file such certificate in [his office and shall cause a certified copy thereof to be filed in the office of the recorder of the county or city in which the principal office of such corporation is located] **the public records of the division of finance.**

3. He **or she** may, from time to time, delegate such special deputy director to perform such duties connected with such liquidation as he **or she** may deem proper. He **or she** may employ such expert assistants and counsel and may retain such of the officers or employees of such corporation as he **or she** may deem necessary in the liquidation and distribution of the assets of such corporation.

4. He **or she** shall require such security as he **or she** may deem proper from his **or her** agents and assistants appointed pursuant to the provisions of this section.

5. The director may appoint a bank or trust company as such special deputy director and any bank or trust company receiving and accepting any such appointment shall be fully authorized and empowered to do any and all acts and things which the director may deem necessary and advisable in liquidating the business and affairs of the corporation in his **or her** possession; provided, however, that no salaries or attorney fees shall be paid unless approved by the circuit court **in Cole County**, which circuit court may refuse to approve any salaries or attorney fees that it may deem exorbitant, and set a less fee or salary, which less fee or salary shall be amount paid.

**361.440. INVENTORY OF ASSETS TO BE MADE AND FILED.** — After the director shall have taken possession of the property and business of such corporation, he **or she** shall make in duplicate an inventory of the assets of such corporation. When the director shall have decided that he **or she** will not permit the corporation to resume business pursuant to the provisions of section 361.370, he **or she** shall file one copy of such inventory in [his office and shall cause one copy to be filed in the office of the recorder of the county or city in which the principal office of such corporation is located] **the public records of the division of finance.**

**361.470. LIQUIDATION AND CONSERVATION OF ASSETS — COMPOUNDING DEBTS AND COMPROMISING CERTAIN CLAIMS.** — The director is authorized, upon taking possession of the property and business of such corporation, to liquidate the affairs thereof and to do all acts and to make such expenditures as in his **or her** judgment are necessary to conserve its assets and business. He **or she** shall proceed to

collect the debts due. He **or she** may, upon an order of the circuit court of **Cole County**, sell or compound all bad or doubtful debts held by, and compromise claims against such corporation, other than deposit claims and, upon such terms as the court shall direct, may sell or otherwise dispose of all or any of the real and personal property of such corporation. [In case any of the real property so sold is located in a county or city other than the county or city in which the application to the court for leave to sell the same is made, the director shall cause a certified copy of said order and the application therefor to be filed in the office of the recorder of the county or city in which such real property is located.]

**361.520. DIRECTOR TO LIST CLAIMS DULY PRESENTED — WHEN AND WHERE FILED.**— 1. The director shall make in duplicate a complete list of all claims duly presented, and shall specify therein the name of the claimant, the nature of the claim, and the amount thereof.

2. Within ten days after the last date fixed in said notice to creditors to present and make proof of claims, the director shall file one copy of said list in his **or her** office, and cause one copy to be filed in the [office of the recorder of the county or city in which the principal office of such corporation is located] **public records of the division of finance**.

**361.540. CLAIMS APPROVED OR REJECTED — LIST OF SUCH CLAIMS.**— 1. The director shall, not later than thirty days after the time has expired to file objections to claims duly presented, approve or reject every duly filed claim except claims as to which objections are still pending undetermined by the court or judge.

2. Every claim approved by him, he **or she** shall endorse "approved" and file so endorsed in his **or her** office.

3. If he **or she** doubts the justice or validity of any claim, he **or she** shall reject such claim and shall endorse the same "rejected" and file said claim so endorsed in his **or her** office. He **or she** shall cause notice of such rejection to be served upon the claimant either personally or by mail.

4. The director shall not determine priorities, in approving or rejecting claims; but approved claims shall be presented to the circuit court of **Cole County** pursuant to section 361.570 for determination as to their priority of payment.

5. Within thirty days after the director has approved or rejected all claims duly filed, he **or she** shall list all claims approved and all rejected

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by him and file one copy of said list in [his office and one copy in the office of the recorder of the county or city in which the principal office of such corporation is located] **the public records of the division of finance.**

**361.600. DUTIES OF DIRECTOR WHERE STOCKHOLDERS ELECT ANOTHER TO LIQUIDATE.**— 1. In case the stockholders shall determine to appoint an agent or agents to continue such liquidation, they shall thereupon select by ballot such agent or agents. A majority of the stock present and voting in person or by proxy shall be necessary to determine such question.

2. If such agent or agents shall be duly elected by the stockholders, the director may require such agent or agents to execute and deliver to him a bond to the state, in such amount, with such sureties, and in such form as shall be approved by him, conditioned upon the performance of all the duties of his **or her** or their trust; and thereupon the director shall transfer and deliver to such agent or agents all the assets of such corporation then remaining in his **or her** hands.

3. Upon such transfer and delivery, the director shall be discharged from any and all further liability to such corporation and its creditors.

4. Upon the transfer and delivery of said assets by the director, he **or she** shall file a certified copy of the proceedings of said meeting in [his office and cause a certified copy to be filed in the office of the recorder of the county or city in which the principal office of such corporation was located] **the public records of the division of finance.**

5. No powers specially set out in its articles of association shall be exercised by such corporation after the director has filed such certified copy in his **or her** office.

**362.025. ARTICLES OF AGREEMENT TO BE FILED.**—The articles of agreement shall be signed and acknowledged by the parties thereto, and three copies thereof shall be filed with the director of finance. If the director finds the articles to be improperly drawn, he **or she** shall immediately return them to the parties indicating the corrections to be made. If the director finds the articles to be in proper form, he **or she** shall return [two copies] **one copy** to the parties with an indication that they are approved as to form, and [the parties shall immediately have one copy of the articles recorded in the office of the recorder of deeds in the county or city in which the corporation is to be located and return the recorder's certificate of recording to the director] **shall file one copy in**

**the public records of the division of finance which shall be a permanent record.**

**362.035. CERTIFICATE OF INCORPORATION — ISSUANCE — TO BE FILED.** — 1. In case the director shall find all the provisions of the law have been complied with and shall have satisfied himself **or herself** by such investigation as to the facts as above provided, he **or she** shall grant a certificate setting forth that such corporation has been duly organized and the amount of its capital subscribed and paid up in full. [As to] All certificates granted by the director [subsequent to August 29, 1959, the same] shall designate the address and location in the city and town at which the corporation shall be authorized to conduct its business **as its main banking house** until such time as said address or location is changed after the approval of the director of finance has first been obtained.

2. **A certified copy of** such certificate shall be [recorded in the office of the recorder of deeds of the county or city in which the corporation is to be located] **filed in the public records of the division of finance**, and **a copy of** such certificate, so [recorded] **filed**, or certified copies thereof, shall be taken in all the courts of this state as evidence of such incorporation; and the existence of such corporation shall continue for the period limited in its articles of agreement, if there fixed, and if not there fixed, then until the corporation is dissolved by consent of its stockholders or until its corporate existence ends pursuant to the laws of this state.

**362.042. RESTATED ARTICLES OF INCORPORATION MAY BE AMENDED AT TIME OF RESTATEMENT.** — Any bank or trust company may at any time restate its articles of agreement as theretofore amended, in the following manner:

(1) The directors may adopt a resolution setting forth the proposed restated articles of agreement and directing that they be submitted to a vote at a meeting of stockholders, which may be either an annual or a special meeting, except that the proposed restated articles of agreement need not be adopted by the directors and may be submitted directly to an annual or special meeting of stockholders.

(2) Notice shall be given as provided in section 362.044.

(3) At the meeting a vote of the stockholders entitled to vote thereon shall be taken on the proposed restated articles. The proposed restated

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articles shall be adopted upon receiving the affirmative vote of a majority of the outstanding shares entitled to vote.

(4) Upon such approval, restated articles of agreement shall be executed in duplicate by the bank or trust company by its president or a vice president and by its cashier or secretary or an assistant cashier or secretary, and verified by one of the officers signing the articles. The restated articles shall contain a statement that the restated articles correctly set forth without change the corresponding provisions of the articles of agreement as heretofore amended, and that the restated articles of agreement supersede the original articles of agreement and all amendments thereto.

(5) Duplicate originals of the restated articles of agreement shall be delivered to the director of finance. If the director finds that the restated articles conform to law, and that all required fees have been paid, he **or she** shall file the same, and one of such copies shall be retained by the director [as a permanent record] **in the public records of the division of finance.**

(6) The director thereupon shall issue a restated certificate of incorporation setting forth the name of the bank or trust company, the amount of its capital subscribed and paid up in full, the period of its existence, and the address and location in the city or town at which the corporation is authorized to conduct its business. A certified copy of the restated articles shall be attached to the restated certificate of incorporation and delivered to the bank or trust company. [The certificate and the restated articles shall be recorded in the office of the recorder of deeds of the county or city in which the bank or trust company is located.]

(7) Upon the issuance of the restated certificate of incorporation by the director of finance, the restated articles shall supersede the original articles of agreement and all amendments thereto.

**362.060. CHANGE OF PAR VALUE — NOTICE OF MEETING — WHEN CHANGE EFFECTIVE — DIRECTOR TO ISSUE CERTIFICATE.**— 1. The par value of the shares of the corporation may be changed by the stockholders at either a special or annual meeting of the stockholders.

2. Notice of the proposed change shall be given as provided in section 362.044.

3. If the holders of a majority of the stock of the corporation at any meeting shall vote in favor of a resolution authorizing a change in the par value of its shares the resolution shall thereupon be adopted, and, upon

the filing with the director of the resolution, certified by the secretary of the corporation to be a true and correct copy thereof adopted by the holders of a majority of the stock of the corporation at a meeting duly called and held in accordance with the provisions hereof, the change in par value of the shares shall thereupon become effective.

4. The director shall issue a certificate of filing and certify [one] **two** of the copies, [and the certificate] and **one of** the certified [copy] **copies** shall be filed by the **division of finance in its public records and the certificate provided to the** corporation [in the office of the recorder of the county or city in which the corporation is located].

### **362.105. POWERS AND AUTHORITY OF BANKS AND TRUST**

**COMPANIES.** — 1. Every bank and trust company created under the laws of this state may for a fee or other consideration, directly or through a subsidiary company, and upon complying with any applicable licensing statute:

(1) Conduct the business of receiving money on deposit and allowing interest thereon not exceeding the legal rate or without allowing interest thereon, and of buying and selling exchange, gold, silver, coin of all kinds, uncurrent money, of loaning money upon real estate or personal property, and upon collateral of personal security at a rate of interest not exceeding that allowed by law, and also of buying, investing in, selling and discounting negotiable and nonnegotiable paper of all kinds, including bonds as well as all kinds of commercial paper; and for all loans and discounts made, the corporation may receive and retain the interest in advance;

(2) Accept for payment, at a future date, drafts drawn upon it by its customers and to issue letters of credit authorizing the holders thereof to draw drafts upon it or upon its correspondents at sight or on time not exceeding one year; provided, that no bank or trust company shall incur liabilities under this subdivision to an amount equal at any time in the aggregate to more than its paid-up and unimpaired capital stock and surplus fund, except with the approval of the director under such general regulations as to amount of acceptances as the director may prescribe;

(3) Purchase and hold, for the purpose of becoming a member of a Federal Reserve Bank, so much of the capital stock thereof as will qualify it for membership in the reserve bank pursuant to an act of Congress, approved December 23, 1913, entitled "The Federal Reserve Act" and any amendments thereto; to become a member of the Federal Reserve Bank, and to have and exercise all powers, not in conflict with

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the laws of this state, which are conferred upon any member by the Federal Reserve Act and any amendments thereto. The member bank or trust company and its directors, officers and stockholders shall continue to be subject, however, to all liabilities and duties imposed upon them by any law of this state and to all the provisions of this chapter relating to banks or trust companies;

(4) Subscribe for and purchase such stock in the Federal Deposit Insurance Corporation and to make such payments to and to make such deposits with the Federal Deposit Insurance Corporation and to pay such assessments made by such corporation as will enable the bank or trust company to obtain the benefits of the insurance of deposits under the act of Congress known as "The Banking Act of 1933" and any amendments thereto;

(5) Invest in a bank service corporation as defined by the act of Congress known as the "Bank Service Corporation Act", Public Law 87-856, as approved October 23, 1962, to the same extent as provided by that act or any amendment thereto;

(6) Receive upon deposit for safekeeping personal property of every description, and to own or control a safety vault and rent the boxes therein;

(7) Purchase and hold the stock of one safe deposit company organized and existing under the laws of the state of Missouri and doing a safe deposit business on premises owned or leased by the bank or trust company at the main banking house and any branch operated by the bank or trust company; provided, that the purchasing and holding of the stock is first duly authorized by resolution of the board of directors of the bank or trust company and by the written approval of the director, and that all of the shares of the safe deposit company shall be purchased and held, and shall not be sold or transferred except as a whole and not be pledged at all, all sales or transfers or pledges in violation hereof to be void;

(8) Act as the fiscal or transfer agent of the United States, of any state, municipality, body politic or corporation and in such capacity to receive and disburse money, to transfer, register and countersign certificates of stock, bonds and other evidences of indebtedness;

(9) Purchase, lease, hold or convey real property for the following purposes:

(a) With the approval of the director, plots whereon there is or may be erected a building or buildings suitable for the convenient conduct of its functions or business or for customer or employee parking even

though a revenue may be derived from portions not required for its own use, and as otherwise permitted by law;

(b) Real property conveyed to it in satisfaction or part satisfaction of debts previously contracted in the course of its business;

(c) Real property purchased at sales under judgment, decrees or liens held by it;

(10) Purchase, hold and become the owner and lessor of personal property acquired upon the specific request of and for use of a customer; and, in addition, leases that neither anticipate full purchase price repayment on the leased asset, nor require the lease to cover the physical life of the asset, other than those for motor vehicles which will not be used by bank or trust company personnel, and may incur such additional obligations as may be incident to becoming an owner and lessor of the property, subject to the following limitations:

(a) Lease transactions do not result in loans for the purpose of section 362.170, but the total amount disbursed under leasing obligations or rentals by any bank to any person, partnership, association, or corporation shall at no time exceed the legal loan limit permitted by statute except upon the written approval of the director of finance;

(b) Lease payments are in the nature of rent rather than interest, and the provisions of chapter 408, RSMo, are not applicable;

(11) Contract with another bank or trust company, bank service corporation or other partnership, corporation, association or person, within or without the state, to render or receive services such as check and deposit sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, financial counseling, or similar services, or the storage, transmitting or processing of any information or data; except that, the contract shall provide, to the satisfaction of the director of finance, that the party providing such services to a bank or trust company will be subject to regulation and examination to the same extent as if the services were being performed by the bank or trust company on its own premises. This subdivision shall not be deemed to authorize a bank or trust company to provide any customer services through any system of electronic funds transfer at places other than bank premises;

(12) Purchase and hold stock in a corporation whose only purpose is to purchase, lease, hold or convey real property of a character which the bank or trust company holding stock in the corporation could itself purchase, lease, hold or convey pursuant to the provisions of paragraph

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(a) of subdivision (9) of this subsection; provided, the purchase and holding of the stock is first duly authorized by resolution of the board of directors of the bank or trust company and by the written approval of the director, and that all of the shares of the corporation shall be purchased and held by the bank or trust company and shall not be sold or transferred except as a whole;

(13) Purchase and sell investment securities, without recourse, solely upon order and for the account of customers; and establish and maintain one or more mutual funds and offer to the public shares or participations therein. Any bank which engages in such activity shall comply with all provisions of chapter 409, RSMo, regarding the licensing and registration of sales personnel for mutual funds so offered, provided that such banks shall register as a broker-dealer with the office of the commissioner of securities and shall consent to supervision and inspection by that office and shall be subject to the continuing jurisdiction of that office;

(14) Make debt or equity investments in corporations or projects, whether for profit or not for profit, designed to promote the development of the community and its welfare, provided that the aggregate investment in all such corporations and in all such projects does not exceed five percent of the unimpaired capital of the bank, and provided that this limitation shall not apply to loans made under the authority of other provisions of law, and other provisions of law shall not limit this subdivision;

**(15) Offer through one or more subsidiaries any products and services which a national bank may offer through its financial subsidiaries, subject to the limitations that are applicable to national bank financial subsidiaries, and provided such bank or trust company meets the division of finance safety and soundness considerations. This subdivision is enacted to provide in part competitive equality with national banks' powers under the Gramm-Leach-Bliley Act of 1999, Public Law 106-102.**

2. In addition to the power and authorities granted in subsection 1 of this section, and notwithstanding any limitations therein, a bank or trust company may invest up to its legal loan limit in a building or buildings suitable for the convenient conduct of its business, including, but not limited to, a building or buildings suitable for the convenient conduct of its functions, parking for bank, trust company and leasehold employees and customers and real property for landscaping. Revenue may be derived from renting or leasing a portion of the building or buildings and

the contiguous real estate; provided that, such bank or trust company has assets of at least two hundred million dollars.

3. In addition to the powers and authorities granted in subsection 1 of this section, every trust company created under the laws of this state shall be authorized and empowered to:

(1) Receive money in trust and to accumulate the same at such rate of interest as may be obtained or agreed upon, or to allow such interest thereon as may be prescribed or agreed;

(2) Accept and execute all such trusts and perform such duties of every description as may be committed to it by any person or persons whatsoever, or any corporation, and act as assignee, receiver, trustee and depository, and to accept and execute all such trusts and perform such duties of every description as may be committed or transferred to it by order, judgment or decree of any courts of record of this state or other states, or of the United States;

(3) Take, accept and hold, by the order, judgment or decree of any court of this state, or of any other state, or of the United States, or by gift, grant, assignment, transfer, devise or bequest of any person or corporation, any real or personal property in trust, and to execute and perform any and all the legal and lawful trusts in regard to the same upon the terms, conditions, limitations and restrictions which may be declared, imposed, established or agreed upon in and by the order, judgment, decree, gift, grant, assignment, transfer, devise or bequest;

(4) Buy, invest in and sell all kinds of stocks or other investment securities;

(5) Execute, as principal or surety, any bond or bonds required by law to be given in any proceeding, in law or equity, in any of the courts of this state or other states, or of the United States;

(6) Act as trustee, personal representative, or conservator or in any other like fiduciary capacity;

(7) Act as attorney in fact or agent of any person or corporation, foreign or domestic, in the management and control of real or personal property, the sale or conveyance of same, the investment of money, and for any other lawful purpose.

4. (1) In addition to the powers and authorities granted in this section, the director of finance may, from time to time, with the approval of the state banking board, issue orders granting such other powers and authorities as have been granted to financial institutions subject to the supervision of the federal government [and] **to:**

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(a) **State chartered banks and trust companies** which are necessary to enable **such** banks and trust companies to compete[. The powers and authorities contained in such orders may include the power to];

(b) **State chartered banks and trust companies** to establish branches to the same extent that federal law permits national banks to establish branches [in this state.];

(c) **Subsidiaries of state chartered banks and trust companies to the same extent powers are granted to national bank subsidiaries to enable such banks and trust companies to compete;**

(d) **State chartered banks and trust companies to establish trust representative offices to the same extent national banks are permitted such offices.**

(2) The orders shall be promulgated as provided in section 361.105, RSMo, and shall not be inconsistent with the constitution and the laws of this state.

**5. As used in this section, the term "subsidiary" shall include one or more business entities of which the bank or trust company is the owner, provided the owner's liability is limited by the investment in and loans to the subsidiary as otherwise provided for by law.**

**362.115. BANK MAY EXERCISE POWERS OF TRUST COMPANIES — APPLICATION — EXAMINATION — CERTIFICATE — TRUST DEPARTMENT.**

— 1. Any bank organized under the laws of this state having a paid-up capital of at least fifty thousand dollars in any unincorporated or incorporated village or city having a population of less than ten thousand inhabitants; a capital of at least one hundred thousand dollars in any city having a population of at least ten thousand and not more than fifty thousand inhabitants; and having a capital of two hundred thousand dollars in any city that exceeds fifty thousand inhabitants, shall have and may exercise any part or all of the fiduciary powers now or hereafter granted under the laws of this state to trust companies, subject, however, to all conditions, restrictions and limitations which now exist or may hereafter be adopted applicable to trust companies.

2. Any bank desiring to exercise the fiduciary powers granted to trust companies shall make application therefor in writing to the finance director, stating under oath that a meeting of its stockholders duly and regularly called in accordance with the provisions of law, a majority of the stockholders present and voting, voted to have the appropriate

officers of the bank make application to the finance director for the exercise of fiduciary powers above referred to.

3. Upon the making of the application the finance director shall examine or cause an examination to be made of the bank in order to ascertain whether or not the requirements of the law have been complied with, and to determine:

(1) The needs of the community for fiduciary services and the probable volume of such fiduciary business available to the bank;

(2) The general condition of the bank, including the adequacy of its capital and surplus in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities, including the exercise of fiduciary powers;

(3) The general character and ability of the management of the bank;

(4) The nature of the supervision to be given to the fiduciary activities, including the qualifications, experience and character of the proposed officer or officers of the trust department;

(5) Whether the bank has available legal counsel to advise and pass upon fiduciary matters wherever necessary.

4. In case the director shall find that all of the provisions of the law have been complied with and that on the basis of the above factors the bank is qualified for and should be given fiduciary powers, he **or she** shall grant a certificate setting forth that the bank is entitled to exercise all or any part of the fiduciary powers granted to trust companies, [which] **and one certified copy** shall be [recorded in the office of the recorder of deeds for the county or city in which the bank is located] **filed in the public records of the division of finance and the original certificate sent to the bank or trust company.**

5. Before any such bank shall exercise any of the powers above referred to in this section, it shall organize a separate trust department for the exercise of its fiduciary powers, which department shall be in charge of a trust officer. Upon the granting of the certificate the bank may use the words "trust company" as a part of its corporate name.

**362.116. TRUST ACCOUNTS, ORIGINATED BY ONE BANK OR TRUST COMPANY, ADMINISTRATION BY ANOTHER — REQUIREMENTS. — 1.**

Any bank or trust company may, with the approval of the director of the division of finance, originate trust accounts which will be administered, pursuant to contract, by a bank or trust company having full fiduciary powers and located in this state. The bank or trust company originating such accounts shall be known as the originating trustee and the

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institution with which it contracts shall be referred to as the contracting trustee.

2. The application for authority to act as originating trustee shall designate the contracting trustee and shall be accompanied by a certified copy of the contract between the originating and contracting trustees.

3. The director of the division of finance shall approve any application by a bank or trust company seeking to act as originating trustee if he **or she** determines that the nature of the supervision to be given to the fiduciary activities, and the circumstances under which the agency relationship shall be terminated warrant belief that the customers will be protected. He **or she** shall issue a certificate approving the application [which] **and one certified copy** shall be [recorded in the office of the recorder of deeds for the county or city in which the originating bank is located] **filed in the public records of the division of finance with the original certificate sent to the bank or trust company.**

4. The originating trustee shall function as an agent of the contracting trustee, and such relationship shall be disclosed to the customers. The originating trustee may provide the administrative, advertising and safekeeping services incident to the trust business but the contracting trustee shall perform any and all fiduciary services in connection with trust relationships accepted under this section.

5. The contracting trustee shall assume any and all fiduciary liability the originating trustee may have or incur with no right of contribution or recovery from the originating trustee, except for liability resulting from negligence in the performance of duties actually performed by the originating trustee.

6. Any trust or estate administered under this section shall be subject to the provisions of sections 362.550 and 362.580.

**362.119. INVESTMENT IN TRUST COMPANIES BY BANK, LIMITATIONS — DEFINITION.** — Any bank [or trust company] organized under the laws of this state may invest not to exceed five percent of its capital, surplus and undivided profits in shares of stock in any new or existing trust company or companies if the direct or indirect ownership of a majority of such stock or class of stock in such trust company or companies is restricted to banks authorized to do business in the state of Missouri. For purposes of this section, the term "ownership of a majority of such stock or class of stock" does not mean or infer that such owner or

owners have a controlling interest or voting interest in such trust company or companies.

**362.170. UNIMPAIRED CAPITAL, DEFINED — RESTRICTIONS ON LOANS, AND TOTAL LIABILITY TO ANY ONE PERSON.**— 1. As used in this section, the term "unimpaired capital" includes common and preferred stock, capital notes, the surplus fund, undivided profits and any reserves, not subject to known charges as shown on the next preceding published report of the bank or trust company to the director of finance.

2. No bank or trust company subject to the provisions of this chapter shall:

(1) Directly or indirectly, lend to any individual, partnership, corporation, limited liability company or body politic, either by means of letters of credit, by acceptance of drafts, or by discount or purchase of notes, bills of exchange, or other obligations of the individual, partnership, corporation, limited liability company or body politic an amount or amounts in the aggregate which will exceed fifteen percent of the unimpaired capital of the bank or trust company if located in a city having a population of one hundred thousand or over; twenty percent of the unimpaired capital of the bank or trust company if located in a city having a population of less than one hundred thousand and over seven thousand; and twenty-five percent of the unimpaired capital of the bank or trust company if located elsewhere in the state, with the following exceptions:

(a) The restrictions in this subdivision shall not apply to:

a. Bonds or other evidences of debt of the government of the United States or its territorial and insular possessions, or of the state of Missouri, or of any city, county, town, village, or political subdivision of this state;

b. Bonds or other evidences of debt, the issuance of which is authorized under the laws of the United States, and as to which the government of the United States has guaranteed or contracted to provide funds to pay both principal and interest;

c. Bonds or other evidences of debt of any state of the United States other than the state of Missouri, or of any county, city or school district of the foreign state, which county, city, or school district shall have a population of fifty thousand or more inhabitants, and which shall not have defaulted for more than one hundred twenty days in the payment of any of its general obligation bonds or other evidences of debt, either principal or interest, for a period of ten years prior to the time of purchase of the investment and provided that the bonds or other

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evidences of debt shall be a direct general obligation of the county, city, or school district;

d. Loans to the extent that they are insured or covered by guaranties or by commitments or agreements to take over or purchase made by any department, bureau, board, commission, or establishment of the United States or of the state of Missouri, including any corporation, wholly owned, directly or indirectly, by the United States or of the state of Missouri, pursuant to the authority of any act of Congress or the Missouri general assembly heretofore or hereafter adopted or amended or pursuant to the authority of any executive order of the President of the United States or the governor of Missouri heretofore or hereafter made or amended under the authority of any act of Congress heretofore or hereafter adopted or amended, and the part of the loan not so agreed to be purchased or discounted is within the restrictive provisions of this section;

e. Obligations to any bank or trust company in the form of notes of any person, copartnership, association, corporation or limited liability company, secured by not less than a like amount of direct obligations of the United States which will mature in not exceeding five years from the date the obligations to the bank are entered into;

f. Loans to the extent they are secured by a segregated deposit account in the lending bank if the lending bank has obtained a perfected security interest in such account;

g. Evidences of debt which are direct obligations of, or which are guaranteed by, the Government National Mortgage Association, the Federal National Mortgage Association, **the Student Loan Marketing Association, the Federal Home Loan Banks, the Federal Farm Credit Bank** or the Federal Home Loan Mortgage Corporation, or evidences of debt which are fully collateralized by direct obligations of, and which are issued by, the Government National Mortgage Association, the Federal National Mortgage Association, **the Student Loan Marketing Association, a Federal Home Loan Bank, the Federal Farm Credit Bank** or the Federal Home Loan Mortgage Corporation;

(b) The total liabilities to the bank or trust company of any individual, partnership, corporation or limited liability company may equal but not exceed thirty-five percent of the unimpaired capital of the bank or trust company; provided, that all of the total liabilities in excess of the legal loan limit of the bank or trust company as defined in this subdivision is upon paper based upon the collateral security of warehouse receipts covering agricultural products or the manufactured or

processed derivatives of agricultural products in public elevators and public warehouses subject to state supervision and regulation in this state or in any other state of the United States, under the following conditions: First, that the actual market value of the property held in store and covered by the receipt shall at all times exceed by at least fifteen percent the amount loaned upon it; and second, that the property covered by the receipts shall be insured to the full market value thereof against loss by fire and lightning, the insurance policies to be issued by corporations or individuals licensed to do business by the state in which the property is located, and when the insurance has been used to the limit that it can be secured, then in corporations or with individuals licensed to do an insurance business by the state or country of their incorporation or residence; and all policies covering property on which the loan is made shall have endorsed thereon, "loss, if any, payable to the holder of the warehouse receipts"; and provided further, that in arriving at the amount that may be loaned by any bank or trust company to any individual, partnership, corporation or limited liability company on elevator or warehouse receipts there shall be deducted from the thirty-five percent of its unimpaired capital the total of all other liabilities of the individual, partnership, corporation or limited liability company to the bank or trust company;

(c) In computing the total liabilities of any individual to a bank or trust company there shall be included all liabilities to the bank or trust company of any partnership of which the individual is a member, and any loans made for the individual's benefit or for the benefit of the partnership; of any partnership to a bank or trust company there shall be included all liabilities of and all loans made for the benefit of the partnership; of any corporation to a bank or trust company there shall be included all loans made for the benefit of the corporation and of any limited liability company to a bank or trust company there shall be included all loans made for the benefit of the limited liability company;

(d) The purchase or discount of drafts, or bills of exchange drawn in good faith against actually existing values, shall not be considered as money borrowed within the meaning of this section; and the purchase or discount of negotiable or nonnegotiable installment consumer paper which carries the full recourse endorsements or guaranty or agreement to repurchase of the person, copartnership, association, corporation or limited liability company negotiating the same, shall not be considered as money borrowed by the endorser or guarantor or the repurchaser within the meaning of this section, provided that the files of the bank or trust

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company acquiring the paper contain the written certification by an officer designated for this purpose by its board of directors that the responsibility of the makers has been evaluated and the acquiring bank or trust company is relying primarily upon the makers thereof for the payment of the paper;

(e) For the purpose of this section, a loan guaranteed by an individual who does not receive the proceeds of the loan shall not be considered a loan to the guarantor;

(f) Investments in mortgage related securities, as described in the Secondary Mortgage Market Enhancement Act of 1984, P.L. 98-440, excluding those described in subparagraph g of paragraph (a) of subdivision (1) of subsection 2 of this section, shall be subject to the restrictions of this section, provided that a bank or trust company may invest up to two times its legal loan limit in any such securities that are rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization;

(2) Nor shall any of its directors, officers, agents, or employees, directly or indirectly purchase or be interested in the purchase of any certificate of deposit, pass book, promissory note, or other evidence of debt issued by it, for less than the principal amount of the debt, without interest, for which it was issued. Every bank or trust company or person violating the provisions of this subdivision shall forfeit to the state the face value of the note or other evidence of debt so purchased;

(3) Make any loan or discount on the security of the shares of its own capital stock, or be the purchaser or holder of these shares, unless the security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, and stock so purchased or acquired shall be sold at public or private sale, or otherwise disposed of, within six months from the time of its purchase or acquisition unless the time is extended by the finance director. Any bank or trust company violating any of the provisions of this subdivision shall forfeit to the state the amount of the loan or purchase;

(4) Knowingly lend, directly or indirectly, any money or property for the purpose of enabling any person to pay for or hold shares of its stock, unless the loan is made upon security having an ascertained or market value of at least fifteen percent more than the amount of the loan. Any bank or trust company violating the provision of this subdivision shall forfeit to the state the amount of the loan;

(5) No salaried officer of any bank or trust company shall use or borrow for himself or herself, directly or indirectly, any money or other

property belonging to any bank or trust company of which the person is an officer, in excess of ten percent of the unimpaired capital of the bank or trust company, nor shall the total amount loaned to all salaried officers of any bank or trust company exceed twenty-five percent of the unimpaired capital of the bank or trust company. Where loans and a line of credit are made to salaried officers, the loans and line of credit shall first be approved by a majority of the board of directors or of the executive or discount committee, the approval to be in writing and the officer to whom the loans are made, not voting. The form of the approval shall be as follows:

We, the undersigned, constituting a majority of the ..... of the ..... (bank or trust company), do hereby approve a loan of \$..... or a line of credit of \$....., or both, to ....., it appearing that the loan or line of credit, or both, is not more than 10 percent of the unimpaired capital of ..... (bank or trust company); it further appearing that the loan (money actually advanced) will not make the aggregate of loans to salaried officers more than 25 percent of the unimpaired capital of the bank or trust company.

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Dated this ..... day of ....., [19] 20.....

Provided, if the officer owns or controls a majority of the stock of any other corporation, a loan to that corporation shall be considered for the purpose of this subdivision as a loan to the officer. Every bank or trust company or officer thereof knowingly violating the provisions of this subdivision shall, for each offense, forfeit to the state the amount lent;

(6) Invest or keep invested in the stock of any private corporation, except as provided in this chapter.

3. Provided, that the provisions in this section shall not be so construed as in any way to interfere with the rules and regulations of any clearing house association in this state in reference to the daily balances; and provided, that this section shall not apply to balances due from any correspondent subject to draft.

4. Provided, that a trust company which does not accept demand deposits shall be permitted to make loans secured by a first mortgage or deed of trust on real estate to any individual, partnership, corporation or limited liability company, and to deal and invest in the interest-bearing



obligations of any state, or any city, county, town, village, or political subdivision thereof, in an amount not to exceed its unimpaired capital, the loans on real estate not to exceed sixty-six and two-thirds percent of the appraised value of the real estate.

5. Any officer, director, agent, clerk, or employee of any bank or trust company who willfully and knowingly makes or concurs in making any loan, either directly or indirectly, to any individual, partnership, corporation or limited liability company or by means of letters of credit, by acceptance of drafts, or by discount or purchase of notes, bills of exchange or other obligation of any person, partnership, corporation or limited liability company, in excess of the amounts set out in this section, shall be deemed guilty of a class C felony.

6. A trust company in existence on October 15, 1967, or a trust company incorporated thereafter which does not accept demand deposits, may invest in but shall not invest or keep invested in the stock of any private corporation an amount in excess of fifteen percent of the capital and surplus fund of the trust company; provided, however, that this limitation shall not apply to the ownership of the capital stock of a safe deposit company as provided in section 362.105; nor to the ownership by a trust company in existence on October 15, 1967, or its stockholders of a part or all of the capital stock of one bank organized under the laws of the United States or of this state, nor to the ownership of a part or all of the capital of one corporation organized under the laws of this state for the principal purpose of receiving savings deposits or issuing debentures or loaning money on real estate or dealing in or guaranteeing the payment of real estate securities, or investing in other securities in which trust companies may invest under this chapter; nor to the continued ownership of stocks lawfully acquired prior to January 1, 1915.

**7. Any bank or trust company to which the provisions of subsection 2 of this section apply, may continue to make loans pursuant to the provisions of subsection 2 of this section for up to five years after the appropriate decennial census indicates that the population of the city in which such bank or trust company is located has exceeded the limits provided in subsection 2 of this section.**

**362.172. INVESTMENT IN STOCK OF BANKS OR BANK HOLDING COMPANIES — LIMITATIONS.** — Any bank [or trust company] organized under the laws of this state may invest not to exceed five percent of its capital, surplus and undivided profits in shares of stock in any new bank

or banks, existing bank or banks, or bank holding companies if the ownership of a majority of such stock in such bank or bank holding companies is restricted to banks authorized to do business in the state of Missouri.

**362.235. NATIONAL BANK MAY BECOME STATE BANK OR TRUST COMPANY — PROCEDURE, EFFECT.** — 1. Any national banking association incorporated under the laws of the United States having its place of business in this state may be converted into a bank or trust company under the laws of the state of Missouri and to be located in the city or town in which the converting national banking association is located, or alone, or with one or more other national banking associations, may be consolidated or merged with one or more banks or trust companies incorporated under the laws of this state under the charter of a bank or trust company incorporated under the laws of this state, upon compliance with the laws of the United States in such cases made and provided and upon obtaining the approval of the director of finance of the state of Missouri. The name of the resulting bank or trust company in the case of conversion may be the name of the converting national banking association, and in the case of consolidation or merger may be the name of any one of the parties to the consolidation or merger, provided that in no case shall the name contain the word "national" or be the same as or deceptively similar to the name of any bank or trust company incorporated under the laws of this state which is engaged in business at the time of the particular conversion, consolidation or merger and is not a party thereto.

2. Upon a majority of the board of directors of the national banking association certifying to the director of finance that the laws of the United States relating to the approval of stockholders (and to the approval of the Comptroller of the Currency whenever his **or her** approval is required) have been complied with, the majority of the board shall have full power and authority to complete the conversion, consolidation or merger on the part of the national banking association, provided that the rights of the dissenting shareholders of the national banking association shall be determined pursuant to the laws of the United States.

3. (1) In the case of conversion the majority of the board of directors of the national banking association shall proceed as is provided by law for other individuals in incorporating a bank or trust company under the laws of this state except that the articles of agreement:

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(a) May provide that instead of the capital stock having actually been paid up in money it is to be paid up in assets of the converting national banking association, the net value of which is equal to at least the full amount of the capital stock of the proposed resulting bank or trust company which capital stock shall not be less than that required by law for a bank or trust company, as the case may be, to be located in the particular city or town in which the converting national banking association is located;

(b) Shall provide that the proposed resulting bank or trust company is and shall be considered the same business and corporate entity as, and a continuation of the corporate entity and identity of, the converting national banking association although as to rights, powers and duties the proposed resulting institution is a bank or trust company incorporated under the laws of the state of Missouri; and

(c) Shall set out the names and addresses of all persons who are to be officers of the proposed bank or trust company.

(2) If the director of finance, as the result of an examination and investigation made by him **or her**, his **or her** deputies or his **or her** examiners, is satisfied that such assets are of such value and that the character, responsibility and general fitness of the persons named in the articles of agreement are such as to command confidence and warrant belief that the business of the proposed corporation will be honestly and efficiently conducted in accordance with the purpose and intent of the laws of this state relative to banks or trust companies, as the case may be, he **or she** shall grant the charter. If he **or she** is not satisfied as to either or both matters, he **or she** shall forthwith give notice thereof to the majority of the board of directors of the converting national banking association who shall have the same right of appeal as is provided by the laws of this state in the case of the proposed incorporators of a new bank or trust company.

(3) Upon the approval of the particular conversion being granted the director of finance shall execute and deliver to the majority of the board of directors of the converting national banking association his **or her** certificate setting forth that the bank or trust company therein named has been duly organized and is the institution resulting from the conversion of the national banking association into the resulting bank or trust company, and that the resulting bank or trust company is and shall be considered the same business and corporate entity as, and a continuation of the corporate entity and identity of, the converting national banking association. **One certified copy of** the certificate shall be [recorded in

the office of the recorder of deeds of the county or city in which the resulting bank or trust company is located] **filed in the public records of the division of finance** and the certificate so [recorded] **filed**, or certified copies thereof, shall be taken in all the courts of this state as evidence of the conversion of the national banking association into the resulting bank or trust company and that the resulting bank or trust company is the same business and corporate entity as, and a continuation of the corporate entity and identity of, the converting national banking association.

(4) When the director of finance has given his **or her** certificate as aforesaid:

(a) The resulting bank or trust company and all its stockholders, directors, officers, and employees shall have the same powers and privileges and be subject to the same duties and liabilities in all respects as in the case of such an institution had it originally organized as a bank or trust company under the laws of this state;

(b) All the rights, franchises, and interests of the converting national banking association in and to every species of property, real, personal and mixed, and choses in action thereto belonging shall be deemed to be transferred to and vest in the resulting bank or trust company without any deed or other transfer; and

(c) The resulting bank or trust company by virtue of the conversion and without any order of any court or otherwise shall hold and enjoy the same and all rights of property and interests including, but not by way of limitation, appointments, designations and nominations and all other rights and interests, as trustee, personal representative, conservator, receiver, registrar, assignee and every other fiduciary capacity in the same manner and to the same extent as these rights and interests were held or enjoyed by the converting national banking association at the time of its conversion into the resulting bank or trust company.

4. In the case of consolidation or merger the same shall be consummated by each national banking association complying with the laws of the United States thereto relating, and also by each national banking association and each bank or trust company complying with the provisions of the laws of this state relating to the consolidation or merger of trust companies, except that it shall not be necessary for a national banking association to obtain the consent of its shareholders in the manner provided by the law of this state, and except that where the resulting institution is a bank rather than a trust company the number and qualifications of directors and any requirement that directors shall or may be divided into classes shall be determined as provided by law for banks.

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The rights of dissenting shareholders of each national banking association shall be determined pursuant to the laws of the United States and the rights of the dissenting shareholders of each bank or trust company shall be determined as provided by the laws of this state in the case of consolidation or merger of trust companies. In the case of the consolidation or merger the resulting bank or trust company shall be and shall be considered the same business and corporate entity as, and a continuation of the corporate entity and identity of, each national banking association and each bank or trust company which is a party to the consolidation or merger, and all and singular the provisions of sections 362.610 to 362.810 shall apply in the case of any such consolidation or merger even though one or more of the parties is a national banking association or a bank as compared with a trust company and as though each party to the consolidation or merger were a trust company incorporated under the laws of the state of Missouri.

**362.245. BOARD OF DIRECTORS, QUALIFICATIONS — CUMULATIVE VOTING IN ELECTING DIRECTOR PERMITTED WHEN.**— 1. The affairs and business of the corporation shall be managed by a board of directors, consisting of not less than five nor more than thirty-five stockholders who shall be elected annually; except, that trust companies in existence on October 13, 1967, may continue to divide the directors into three classes of equal number, as near as may be, and to elect one class each year for three-year terms. Notwithstanding any provision of this chapter to the contrary, a director who is not a stockholder shall have all the rights, privileges, and duties of a director who is a stockholder.

2. Each director shall be a citizen of the United States, and at least a majority of the directors must be residents of this state at the time of their election and during their continuance in office; provided, however, that if a director actually resides within a radius of one hundred miles of the banking house of said bank or trust company, even though his **or her** residence be in another state adjoining and contiguous to the state of Missouri, he **or she** shall for the purposes of this section be considered as a resident of this state and in event such director shall be a nonresident of the state of Missouri he **or she** shall upon his **or her** election as a director file with the president of the banking house written consent to service of legal process upon him in his **or her** capacity as a director by service of the legal process upon the president as though the same were personally served upon the director in Missouri.

3. If at a time when not more than a majority of the directors are residents of this state, any director shall cease to be a resident of this state or adjoining state as defined in subsection 2 of this section, he **or she** shall forthwith cease to be a director of the bank or trust company and his **or her** office shall be vacant.

4. No person shall be a director in any bank or trust company against whom such bank or trust company shall hold a judgment.

5. Cumulative voting shall only be permitted at any meeting of the members or stockholders in electing directors when it is provided for in the articles of incorporation or bylaws.

**362.325. CHARTER AMENDED — PROCEDURE — NOTICE — DUTY OF DIRECTOR — APPEAL.**— 1. Any bank or trust company may, at any time, **and in any amount**, increase or, with the approval of the director, [diminish] **reduce** its capital stock [to any amount] **(as to its authorized but unissued shares, its issued shares, and its capital stock as represented by such issued shares), including a reduction of capital stock by reverse stock split**, change its name, change or extend its business or the length of its corporate life, avail itself of the privileges and provisions of this chapter or otherwise change its articles of agreement in any way not inconsistent with the provisions of this chapter, with the consent of the persons holding a majority of the stock of the bank or trust company, which consent shall be obtained at an annual meeting or at a special meeting of the shareholders called for that purpose. **A bank or trust company may, but shall not be obligated to, issue a certificate for a fractional share, and, by action of its board of directors, may in lieu thereof, pay cash equal to the value of the fractional share.**

2. The meeting shall be called and notice given as provided in section 362.044.

3. If, at any time and place specified in the notice, stockholders shall appear in person or by proxy, in number representing not less than a majority of all the shares of stock of the bank or trust company, they shall organize by choosing one of the directors chairman of the meeting, and a suitable person for secretary, and proceed to a vote of those present in person or by proxy.

4. If, upon a canvass of the vote at the meeting, it is ascertained that the proposition has carried, it shall be so declared by the president of the meeting and the proceedings entered of record.

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5. When the full amount of the proposed increase has been bona fide subscribed and paid in cash to the board of directors of the bank or trust company or the change has been duly authorized, then a statement of the proceedings, showing a compliance with the provisions of this chapter, the increase of capital actually subscribed and paid up or the change shall be made out, signed and verified by the affidavit of the president and countersigned by the cashier, or secretary, and such statement shall be acknowledged by the president and [recorded in the office of the recorder of deeds of the county or city in which the corporation is located, and a certified copy of the recorded instrument shall be filed in the office of the director] **one certified copy filed in the public records of the division of finance.**

6. Upon the filing of the certified copy the director shall promptly satisfy himself **or herself** that there has been a compliance in good faith with all the requirements of the law relating to the increase, decrease or change, and when he **or she** is so satisfied he **or she** shall issue a certificate that the bank or trust company has complied with the law made and provided for the increase or decrease of capital stock, and the amount to which the capital stock has been increased or decreased or for the change in the length of its corporate life or any other change provided for in this section. Thereupon, the capital stock of the bank or trust company shall be increased or decreased to the amount specified in the certificate or the length of the corporate life of the bank shall be changed or other authorized change made as specified in the certificate. The certificate, or certified copies thereof, shall be taken in all the courts of the state as evidence of the increase, decrease or change.

7. Provided, however, that if the change undertaken by the bank or trust company in its articles of agreement shall provide for the relocation of the bank or trust company in another community, the director shall make or cause to be made an examination to ascertain whether the convenience and needs of the new community wherein the bank desires to locate are such as to justify and warrant the opening of the bank therein and whether the probable volume of business at the new location is sufficient to insure and maintain the solvency of the bank and the solvency of the then existing banks and trust companies at the location, without endangering the safety of any bank or trust company in the locality as a place of deposit of public and private moneys, and, if the director, as a result of the examination, be not satisfied in the particulars mentioned or either of them, he **or she** may refuse to issue the certificate applied for, in which event he **or she** shall forthwith give notice of his **or**

**her** refusal to the bank applying for the certificate, which if it so desires may, within ten days thereafter, appeal from the refusal to the state banking board.

8. All certificates issued by the director of finance relating to amendments to the charter of any bank shall be [recorded in the office of the recorder of deeds] **provided to the bank or trust company and one certified copy filed in the public records of the division of finance.**

**362.440. LICENSES TO FOREIGN CORPORATIONS — RENEWAL. — 1.**

Upon receipt by the director from any foreign corporation of an application in proper form for leave to do business in this state under the provisions of this chapter, he **or she** shall, by such investigation as he **or she** may deem necessary, satisfy himself **or herself** whether the applicant may safely be permitted to do business in this state.

2. If from such investigation he **or she** shall be satisfied that it is safe and expedient to grant such application and it shall have been shown to his **or her** satisfaction that such applicant may be authorized to engage in business in this state pursuant to the provisions of this chapter and has complied with all the requirements of this chapter, he **or she** shall issue a license under his **or her** hand and official seal authorizing such applicant to carry on such business at the place designated in the license and, if such license is for a limited time, specifying the date upon which it shall expire.

3. Such license shall be executed in triplicate and the director shall transmit one copy to the applicant, file another in his **or her** own office and file the third in the [office of the recorder of the county or city in which is located the place designated in such license] **public records of the division of finance.**

4. Whenever any such license is issued for one year or less, the director may, at the expiration thereof, renew such license for one year.

**362.450. REVOCATION OF AUTHORIZATION CERTIFICATE OR**

**LICENSE IN CERTAIN CASES. — 1.** If at any time the director shall be satisfied that any foreign corporation to which has been issued an authorization certificate or license is violating any of the provisions of this chapter, or is conducting its business in an unauthorized or unsafe manner, or is in an unsound or unsafe condition to transact its business, or cannot with safety and expediency continue business, the director may over his **or her** official signature and seal of office notify the holder of such authorization certificate or license that the same is revoked.

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2. Such notice shall be executed in triplicate and the director shall forthwith transmit one copy to the holder of such authorization certificate or license, file another in his **or her** own office and file the third in the [office of the recorder of the county or city in which such authorization certificate or license has been filed] **public records of the division of finance.**

3. The director may, in his **or her** discretion, publish a copy of such notice, with such other facts as he **or she** may deem proper, for six successive days, in a paper published at the City of Jefferson.

**362.464. REQUIREMENTS FOR FOREIGN BANK TO RELOCATE IN MISSOURI — APPLICATION, CONTENTS — APPROVAL, EFFECT — CERTIFICATE, FILING REQUIRED — RELOCATION OF DOMESTIC BANK, CONVERSION OF CHARTER.** — 1. No out-of-state bank shall be permitted to relocate its main banking house to Missouri, except in accordance with sections 362.462 to 362.464.

2. The board of directors of the out-of-state bank shall file an application with the director of the division of finance, on a form to be prescribed by the director, seeking approval of its relocation to this state. The application shall contain a certification that the relocation has been approved by at least a majority of the shareholders of the out-of-state bank.

3. The application shall contain articles of agreement executed as provided for other individuals seeking to incorporate a bank or trust company pursuant to this chapter, except that the articles of agreement:

(1) May provide that instead of the capital stock having actually been paid up in money the capital stock is to be paid up in assets of the out-of-state bank, the net value of which is equal to at least the full amount of the capital stock of the proposed resulting bank or trust company;

(2) Shall provide that the proposed resulting bank or trust company is, and shall be considered, the same business and corporate entity as, and a continuation of the corporate entity and identity of, the converting out-of-state bank although as to rights, powers and duties, the proposed resulting institution is a bank or trust company incorporated under the laws of the state of Missouri; and

(3) Shall set out the names and addresses of all persons who are to be officers of the proposed bank or trust company.

4. If the director of the division of finance, as the result of an examination and investigation made by the director, the director's

deputies, or the director's examiners, is satisfied that such assets are of such value and that the character, responsibility and general fitness of the persons named in the articles of agreement are such as to command confidence and warrant belief that the business of the proposed bank or trust company will be honestly and efficiently conducted in accordance with the purpose and intent of the laws of this state relative to banks or trust companies, as the case may be, the director shall grant the charter and approve the relocation. If the director takes exception as to either or both matters, the director shall give notice of such exception to the majority of the board of directors of the converting out-of-state bank who shall have the same right of appeal as is provided by the laws of this state in the case of the proposed incorporators of a new bank or trust company.

5. Upon the approval of the relocation and conversion, the director of the division of finance shall execute and deliver to the bank or trust company the director's certificate stating that the bank or trust company named in the certificate has been duly organized and is the institution resulting from the conversion of the out-of-state bank into the resulting bank or trust company, and that the resulting bank or trust company is, and shall be considered, the same business and corporate entity as, and a continuation of the corporate entity and identity of, the converting out-of-state bank. **A certified copy of the certificate shall be [recorded in the office of the recorder of deeds of the county or city in which the resulting bank or trust company is located] filed in the public records of the division of finance and the certificate so [recorded] filed or certified by copies of the certificate shall be taken in all the courts of this state as evidence of the conversion of the out-of-state bank into the resulting bank or trust company and that the resulting bank or trust company is the same business and corporate entity as, and a continuation of the corporate entity and identity of, the converting out-of-state bank.**

6. When the director of the division of finance has given the director's certificate as provided in subsection 5 of this section:

(1) The resulting bank or trust company and all its stockholders, directors, officers and employees shall have the same powers and privileges and be subject to the same duties and liabilities in all respects as in the case of such institution originally organizing as a bank or trust company under the laws of this state;

(2) All the rights, franchises and interests of the converting out-of-state bank in and to every category of property, including, real, personal and mixed, and choses in action thereto belonging shall be

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deemed to be transferred to, and vested in, the resulting bank or trust company without any deed or other transfer; and

(3) The resulting bank or trust company by virtue of the conversion and without any order of any court or otherwise shall hold and enjoy the same and all rights of property and interests including, but not by way of limitation, appointments, designations and nominations and all other rights and interest, as trustee, personal representative, conservator, receiver, registrar, assignee and every other fiduciary capacity in the same manner and to the same extent as these rights and interests were held or enjoyed by the converting out-of-state bank at the time of its conversion into the resulting bank or trust company.

7. A bank or trust company organized under the laws of this state may, with the approval of the director of the division of finance, relocate its main banking house up to thirty miles away to a location in another state and convert its charter to a charter issued by such other state. When it has done so, and to the extent provided by the laws of such state, the resulting bank or trust company by virtue of the conversion and without any order of any court or otherwise, shall hold and enjoy the same and all rights of property and interests including, but not by way of limitation, appointments, designations and nominations and all other rights and interests, as trustee, personal representative, conservator, receiver, registrar, assignee and every other fiduciary capacity in the same manner and to the same extent as these rights and interest were held or enjoyed by the converting bank or trust company at the time of its conversion into the out-of-state bank or trust company.

**362.600. RECIPROCAL CORPORATE FIDUCIARY POWERS — CERTIFICATES OF RECIPROCITY.**— 1. The term "foreign corporation", as used in this section, shall mean:

(1) Any bank or other corporation now or hereafter organized under the laws of any state of the United States other than Missouri; and

(2) Any national banking association having its principal place of business in any state of the United States other than Missouri.

2. Except as provided in subsection 5 of this section, any foreign corporation may act in this state as trustee, executor, administrator, guardian, or in any other like fiduciary capacity, without the necessity of complying with any law of this state relating to the licensing of foreign banking corporations by the director of finance or relating to the qualifications of foreign corporations to do business in this state, and

notwithstanding any prohibition, limitation or restriction contained in any other law of this state, provided only that:

(1) The foreign corporation is authorized to act in this fiduciary capacity or capacities in the state in which it is incorporated, or, if the foreign corporation be a national banking association, in which it has its principal place of business; and

(2) Any bank or other corporation organized under the laws of this state or a national banking association having its principal place of business in this state may act in these fiduciary capacities in that state without further showing or qualification, other than that it is authorized to act in these fiduciary capacities in this state and compliance with any law of that state concerning service of process:

(a) Which may require the appointment of an official or other person for the receipt of process; or

(b) Which contains provisions to the effect that any bank or other corporation, which is not incorporated under the laws of that state, or if a national bank then which does not have its principal place of business in that state, acting in that state in a fiduciary capacity pursuant to provisions of law making it eligible to do so, shall be deemed to have appointed an official of that state to be its true and lawful attorney upon whom may be served all legal process in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which the corporation has acted or is acting in that state in this fiduciary capacity, and that the acceptance of or engagement in that state in any acts in this fiduciary capacity shall be signification of its agreement that the process against it, which is so served, shall be of the same legal force and validity as though served upon it personally, or which contains any substantially similar provisions.

Any foreign corporation eligible to act in any fiduciary capacity in this state pursuant to the provisions of this section may so act whether or not a resident of this state be acting with it in this capacity, may use its corporate name in connection with such activity in this state, and may be appointed to act in this fiduciary capacity by any court having jurisdiction in the premises, all notwithstanding any provision of law to the contrary. Nothing in this section contained shall be construed to prohibit or make unlawful any activity in this state by a bank or other corporation which is not incorporated under the laws of this state, or if a national bank then which does not have its principal place of business in this state, which would be lawful in the absence of this section.

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3. Except as provided in subsection 5 of this section, prior to the time when any foreign corporation acts pursuant to the authority of this section in any fiduciary capacity or capacities in this state, the foreign corporation shall file with the director of finance a written application for a certificate of reciprocity and the director of finance shall issue the certificate to the foreign corporation. The application shall state:

- (1) The correct corporate name of the foreign corporation;
- (2) The name of the state under the laws of which it is incorporated, or if the foreign corporation is a national banking association shall state that fact;
- (3) The address of its principal business office;
- (4) In what fiduciary capacity or capacities it desires to act, in the state of Missouri;
- (5) That it is authorized to act in a similar fiduciary capacity or capacities in the state in which it is incorporated, or, if it is a national banking association, in which it has its principal place of business;
- (6) That the application shall constitute the irrevocable appointment of the director of finance of Missouri as its true and lawful attorney to receive service of all legal process in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which the foreign corporation may act in this state in the fiduciary capacity pursuant to the certificate of reciprocity applied for.

The application shall be verified by an officer of the foreign corporation, and there shall be filed with it such certificates of public officials and copies of documents certified by public officials as may be necessary to show that the foreign corporation is authorized to act in a fiduciary capacity or capacities similar to those in which it desires to act in the state of Missouri, in the state in which it is incorporated, or, if it is a national banking association in which it has its principal place of business. The director of finance shall, thereupon, if the foreign corporation is one which may act in the fiduciary capacity or capacities as provided in subsection 2 of this section, issue to the corporation a certificate of reciprocity, retaining a duplicate thereof together with the application and accompanying documents in his **or her** office. The certificate of reciprocity shall recite and certify that the foreign corporation is eligible to act in this state pursuant to this section and shall recite the fiduciary capacity or capacities in which the foreign corporation is eligible so to act.

4. A certificate of reciprocity issued to any foreign corporation shall remain in effect until the foreign corporation shall cease to be entitled

under subsection 2 of this section to act in this state in the fiduciary capacity or capacities covered by the certificate, and thereafter until revoked by the director of finance. If at any time the foreign corporation shall cease to be entitled under subsection 2 of this section to act in this state in the fiduciary capacity or capacities covered by the certificate, the director of finance shall revoke the certificate and give written notice of the revocation to the foreign corporation. No revocation of any certificate of reciprocity shall affect the right of the foreign corporation to continue to act in this state in a fiduciary capacity in estates or matters in which it has theretofore begun to act in a fiduciary capacity pursuant to the certificate.

5. A foreign corporation shall not establish or maintain in this state a place of business, branch office or agency for the conduct in this state of business as a fiduciary unless:

(1) The foreign corporation is under the control of a Missouri bank or a Missouri bank holding company, as these terms are defined in section 362.925, and the foreign corporation has complied with the requirements relating to the qualifications of foreign corporations to do business in this state; [or]

(2) The foreign corporation is a bank, trust company or national banking association in good standing that possesses fiduciary powers from its chartering authority and is the surviving corporation to a merger or consolidation with a national banking association located in Missouri or a Missouri bank or trust company. The provisions of this subdivision are enacted to implement subsection 2 of this section and section 362.610, and the provisions of Title 12, U.S.C. 36(f)(2) of the National Bank Act; or

**(3) The foreign corporation is a state chartered bank, savings and loan association, trust company or national banking association in good standing that possesses fiduciary powers and has received a certificate of reciprocity, in which case it may only open a trust representative office in Missouri which is not otherwise a branch of such foreign corporation, provided a bank, savings and loan association or trust company chartered under the laws of Missouri and a national bank with its principal location in Missouri, all with fiduciary powers, are permitted to open and operate a trust representative office under the same or less restrictive conditions in the state in which the foreign corporation is organized or has its principal office.**

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6. A foreign corporation, insofar as it acts in a fiduciary capacity in this state pursuant to the provisions of this section, shall not be deemed to be transacting business in this state, if the foreign corporation does not establish or maintain in this state a place of business, branch office, or agency for the conduct in this state of business as a fiduciary.

7. Every foreign corporation to which a certificate of reciprocity shall have been issued shall be deemed to have appointed the director of finance to be its true and lawful attorney upon whom may be served all legal process in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which the foreign corporation acts in this state in any fiduciary capacity pursuant to the certificate of reciprocity. Service of the process shall be made by delivering a copy of the summons or other process, with a copy of the petition when service of the copy is required by law, together with a remittance of one dollar (to be taxed as costs in the action or proceeding), to the director of finance or to any person in his **or her** office authorized by him to receive the service. The director of finance shall immediately forward the process, together with the copy of the petition, if any, to the foreign corporation, by registered mail, addressed to it at the address on file with the director, or if there be none on file then at its last known address. The director of finance shall keep a permanent record in his **or her** office showing for all process served, the style of the action or proceeding, the court in which it was brought, the name and title of the officer serving the process, the day and hour of service, and the day of mailing by registered mail to the foreign corporation and the address to which mailed. In case the process is issued by an associate circuit judge, the same may be directed to and served by any officer authorized to serve process in the city or county where the director of finance shall have his **or her** office, at least fifteen days before the return thereof.

**362.680. AGREEMENT TO BE SUBMITTED TO STOCKHOLDERS, WHEN — EXCEPTIONS, PROCEDURES.** — 1. In case of approval by the finance director, the agreement, except as provided in subsection 3 of this section, shall within sixty days after the date of the approval be submitted to the stockholders of each bank and trust company which is a party to the merger or consolidation.

2. The meeting of the stockholders of each bank and trust company for the purpose shall be called upon notice given as provided in section 362.044.

3. In the event that the director of the division of finance determines that one of the banks which is a party to the merger is in imminent danger of failing and that the merger is necessary to prevent such failure, or that one of the banks which is a party to the merger was formed to take over assets and liabilities of a failed bank, or that the parties to the merger are wholly owned by a bank holding company, he or she shall issue an order to such effect and the merger shall take effect immediately upon the issuance of his or her order approving the merger. In such a case, the agreement of merger, along with a copy of the order of the director of the division of finance approving the merger, shall be filed in the [office of the recorder of deeds in the county or counties in which the respective banks are located] **public records of the division of finance**. No stockholders' meeting need be held but any stockholder of either bank shall be entitled to exercise the right of a dissenting stockholder pursuant to section 362.730.

**362.700. AGREEMENT FOR MERGER BECOMES EFFECTIVE, WHEN.**

— 1. If the agreement is so approved and ratified by the stockholders of each of the respective banks and trust companies, then in case the agreement provides for a merger, a copy of the minutes of the respective stockholders' meetings at which the agreement is approved, with a copy of the agreement and the director's approval thereof, all certified and verified by the respective secretaries of the meetings, shall be filed in the [office of the director] **public records of the division of finance**, and a like copy of the minutes, agreement and approval shall be filed with the cashier or secretary of each of the banks and trust companies which are parties to the agreement[, and a like copy of the minutes, agreement and approval, together with an affidavit of the cashier or secretary of the receiving corporation in the merger, showing the filing of the copies with the director, as herein provided, and also the filing of the copies with the cashier or secretary of each of the banks and trust companies which are parties to the agreement shall be filed for record and recorded in the office of the recorder of deeds of each county wherein is located the place of business of each bank and trust company which is party to the agreement, it being understood that the city of St. Louis shall be considered as a county in regard to the filing and recording of the copies].

2. Upon the filing for record of the copies as herein required to be filed [for record in the office of the recorder of deeds], the agreement and merger shall become effective according to its terms.

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**362.710. AGREEMENT FOR CONSOLIDATION BECOMES EFFECTIVE, WHEN.**— 1. If the agreement is approved and ratified by the stockholders of the respective banks and trust companies, then in case the agreement provides for a consolidation of the banks and trust companies which are parties thereto, a copy of the minutes of the proceedings of the respective stockholders' meetings at which the agreement is approved, with a copy of the agreement and the finance director's approval thereof, all certified and verified by the respective secretaries of the meetings, shall be filed in the [office of the director] **public records of the division of finance** and a like copy of the minutes, agreement and approval shall be filed with the cashier or secretary of each of the banks and trust companies **party** to the agreement[, and a like copy of the minutes, agreement and approval, together with an affidavit of the cashier or secretary of one of the consolidating banks or trust companies, showing the filing of the copies with the director, as herein provided, and also the filing of the copies with the cashier or secretary of each of the banks and trust companies party to the consolidating agreement, as herein provided, shall be filed for record and recorded in the office of the recorder of deeds in each county wherein is located the place of business of each bank and trust company which is a party to the agreement. The city of St. Louis shall be considered as a county so far as the filing for record in the office of the recorder of deeds of the copies is concerned].

2. Upon the filing [for record in the office of the recorder of deeds] **in the public records of the division of finance** of a copy of the agreement with the approval of the director, and the proceedings above prescribed, the agreement for the consolidation of the banks and trust companies which are parties thereto shall take effect according to its terms and the consolidation shall thereupon be complete; provided, the legal fees for the incorporation of the consolidated banks or trust companies are paid to the director, the same as if a new corporation were organized for the same amount of capital authorized for the consolidated company.

**362.730. DISSENTING STOCKHOLDER MAY RECEIVE REASONABLE VALUE OF HIS OR HER STOCK — LIMITATION, PETITION, HEARING, APPOINTMENT OF APPRAISERS.**— 1. If any merger or consolidation takes effect [under] **pursuant to** the provisions of sections 362.610 to 362.810, **or in the event of a reverse stock split pursuant to the provisions of section 362.325 which results in the elimination of the stock ownership of a holder**, then the holder of any stock, with or

without voting rights, of any corporation which is a party to the agreement **in case of merger or consolidation, or of a corporation which has effected a reverse stock split, who dissents by** not voting in favor of the agreement to merge or consolidate at the stockholders' meeting aforesaid **or for the reverse stock split** shall be entitled to receive from the [receiving] **surviving** corporation, [in case of a merger or from the consolidated corporation in case of a consolidation,] the reasonable value of his **or her** stock at the time of the merger [or], consolidation **or reverse stock split**, which value shall be determined in the following manner:

(1) Within sixty days after the taking effect of the merger [or], consolidation **or reverse stock split**, the dissenting stockholder may apply to the circuit court of the county wherein the principal place of business of the [receiving] **surviving** corporation[, in case of a merger, or the consolidated corporation, in case of a consolidation,] is located, by petition for the appointment of appraisers to value his **or her** stock **in existence at the time of the merger, consolidation or reverse stock split**;

(2) At any time during the above named sixty days any other dissenting stockholder or stockholders[, in any corporation which is a party to the agreement,] **meeting the requirements of this subsection** may file his **or her** or their petition in the court wherein the proceeding is pending for the determination of the value of their respective shares of stock affected by the merger [or], consolidation **or reverse stock split**;

(3) Any stockholder who does not become a party to such proceeding within the time herein prescribed shall be conclusively presumed to have assented to the merger or consolidation and shall be bound thereby as fully and as firmly as if he **or she** had voted therefor. **The remedy provided pursuant to the provisions of this section shall be the exclusive remedy for any dissenting shareholder unless fraud is involved.**

2. Within five days after the expiration of the period of sixty days, the court wherein the proceeding is pending shall issue an order in which it shall fix the time and place of the hearing under the petition or petitions then pending, which shall not be more than twenty days after the issuance of the order. The court shall cause to be served upon each party, or his **or her** attorney of record, at least ten days before the hearing, a copy of the order fixing the time and place of hearing. The hearing shall be before the court, and at the hearing the court shall cause all petitions filed in the cause to be consolidated, and if the court finds

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that each of the parties to the proceedings has been notified of the time and place of hearing at least ten days before the hearing, then the court shall appoint three disinterested [householders of the county in which the proceeding is pending] **persons whom the court determines are qualified to appraise bank stock**, not related to either of the parties to the proceeding, as appraisers to ascertain and determine the value of the shares of stock of the dissenting stockholders, and upon the appointment, the court shall fix the time and place of the first meeting of the appraisers; each of the appraisers shall qualify by taking and subscribing an oath that he **or she** will faithfully and impartially discharge the duties imposed upon him and will render a true appraisal of the value of the stock of the dissenting stockholders in the proceeding. Should any appraiser fail to qualify or serve, the court shall, by an order duly entered, fill such vacancy.

**362.740. FINDING AND REPORT OF APPRAISERS — COMPENSATION — NOTICE TO BE GIVEN BY CLERK OF COURT — MINORITY DISCOUNT.**

— **1.** The appraisers so appointed and qualified shall meet at the time and place so designated by the court or judge, and shall proceed to ascertain and determine the reasonable cash value of the shares of stock of the respective dissenting stockholders at the time of the merger or consolidation. For this purpose each of the appraisers may administer oaths and the appraisers may hear testimony offered by any party to the proceeding. At the conclusion of the hearing the appraisers shall forthwith determine the value of the shares of stock of each of the dissenting stockholders to the proceeding **which shall not be less than the current book value of said stock**. The concurrence of at least two of the appraisers shall be necessary to constitute a finding by the appraisers. The report of the appraisers shall be in writing, signed and acknowledged by at least two of them, and filed with the clerk of the court in which the proceeding is pending, together with their qualifying affidavits. The court may fix the compensation to be awarded appraisers, which compensation shall be taxed as costs in the case. The clerk of the court shall, upon the filing of the award or finding by the appraisers, notify each of the parties or their attorneys of record of the filing of the report.

**2. To determine the reasonable value of the stock at the time of the merger, consolidation or reverse stock split, such appraisers shall value such stock to include consideration of a minority discount to reflect that these minority shareholders' lack of control over**

**corporate decision making and a marketability discount to reflect the fact that a ready market does not exist for such stock, except as otherwise provided in this section.**

**362.750. EXCEPTIONS TO APPRAISAL, REVIEW, NEW APPRAISAL, FINAL JUDGMENT — STOCK TO BE SURRENDERED.**— Within twenty days after the filing of the appraisal, exceptions in writing may be filed thereto by any party interested. If exceptions are so filed the court shall review the appraisal and may order, on good cause shown, a new appraisal by other appraisers, or the court may hear evidence touching matters in controversy and take an accounting to ascertain and determine the value of the shares and may make the order that justice, equity and right require. If no exceptions are filed to the report of the appraisers, the court shall enter final judgment approving the report. If any of the orders herein provided for are made in vacation, the vacation orders shall be considered and confirmed by the court. In its judgment the court shall ascertain and determine the value of the shares of stock of the merging bank, banks, trust company or trust companies [or], of the consolidating banks or trust companies, **or of the bank or trust company in a reverse stock split** at the time of the merger [or], consolidation **or reverse stock split**. When the receiving bank or trust company under the merger [or], the consolidated bank or trust company under the consolidation **or the bank or trust company in a reverse stock split** has paid the value of the stock as determined by the court, the stock shall be surrendered and the stockholder shall cease to have any interest in the stock or in the corporate property of the corporation [and the stock may be held and disposed of by the corporation for its own benefit] **and the corporation shall not hold such stock as treasury stock.**

**365.020. DEFINITIONS.**— Unless otherwise clearly indicated by the context, the following words and phrases have the meanings indicated:

(1) "Cash sale price", the price stated in a retail installment contract for which the seller would have sold to the buyer, and the buyer would have bought from the seller, the motor vehicle which is the subject matter of the retail installment contract, if the sale had been a sale for cash or at a cash price instead of a retail installment transaction at a time sale price. The cash sale price may include any taxes, registration, certificate of title, license and other fees and charges for accessories and their installment and for delivery, servicing, repairing or improving the motor vehicle;

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- (2) "Director", the office of the director of the division of finance;
- (3) "Holder" of a retail installment contract, the retail seller of the motor vehicle under the contract or, if the contract is purchased by a sales finance company or other assignee, the sales finance company or other assignee;
- (4) "Insurance company", any form of lawfully authorized insurer in this state;
- (5) "Motor vehicle", any new or used automobile, mobile home, motorcycle, **all-terrain vehicle, motorized bicycle, moped, motortricycle**, truck, trailer, semitrailer, truck tractor, or bus having a cash sale price of seven thousand five hundred dollars or less primarily designed or used to transport persons or property on a public highway, road or street;
- (6) "Official fees", the fees prescribed by law for filing, recording or otherwise perfecting and releasing or satisfying any title or lien retained or taken by a seller in connection with a retail installment transaction;
- (7) "Person", an individual, partnership, corporation, association, and any other group however organized;
- (8) "Principal balance", the cash sale price of the motor vehicle which is the subject matter of the retail installment transaction plus the amounts, if any, included in the sale, if a separate identified charge is made therefor and stated in the contract, for insurance and other benefits, including any amounts paid or to be paid by the seller pursuant to an agreement with the buyer to discharge a security interest, lien, or lease interest on property traded in and official fees, minus the amount of the buyer's down payment in money or goods. Notwithstanding any law to the contrary, any amount actually paid by the seller pursuant to an agreement with the buyer to discharge a security interest, lien or lease on property traded in which was included in a contract prior to August 28, 1999, is valid and legal;
- (9) "Retail buyer" or "buyer", a person who buys a motor vehicle from a retail seller in a retail installment transaction under a retail installment contract;
- (10) "Retail installment contract" or "contract", an agreement evidencing a retail installment transaction entered into in this state pursuant to which the title to or a lien upon the motor vehicle, which is the subject matter of the retail installment transaction is retained or taken by the seller from the buyer as security for the buyer's obligation. The term includes a chattel mortgage or a conditional sales contract;
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(11) "Retail installment transaction", a sale of a motor vehicle by a retail seller to a retail buyer on time under a retail installment contract for a time sale price payable in one or more deferred installments;

(12) "Retail seller" or "seller", a person who sells a motor vehicle, not principally for resale, to a retail buyer under a retail installment contract;

(13) "Sales finance company", a person engaged, in whole or in part, in the business of purchasing retail installment contracts from one or more sellers. The term includes but is not limited to a bank, trust company, loan and investment company, savings and loan association, financing institution, or registrant pursuant to sections 367.100 to 367.200, RSMo, if so engaged. The term shall not include a person who makes only isolated purchases of retail installment contracts, which purchases are not being made in the course of repeated or successive purchases of retail installment contracts from the same seller;

(14) "Time price differential", the amount, however denominated or expressed, as limited by section 365.120, in addition to the principal balance to be paid by the buyer for the privilege of purchasing the motor vehicle on time to be paid for by the buyer in one or more deferred installments;

(15) "Time sale price", the total of the cash sale price of the motor vehicle and the amount, if any, included for insurance and other benefits if a separate identified charge is made therefor and the amounts of the official fees and time price differential.

**369.219. APPROVED INVESTMENTS.**— An association may invest in the following securities:

(1) Obligations of, or obligations fully guaranteed as to principal and interest by, the United States or the state of Missouri;

(2) Stock or obligations of any Office of Thrift Supervision or any successor thereto, of the Federal Deposit Insurance Corporation or any successor thereto, of the Federal National Mortgage Association, of the Government National Mortgage Association, of the Federal Home Loan Mortgage Corporation, **the Student Loan Marketing Association, the Federal Home Loan Banks, the Federal Farm Credit Banks** or of any corporation or agency of the United States or of this state succeeding any of such corporations or performing similar functions;

(3) Demand, time, or savings deposits, or accounts of any state or federally chartered financial institution, but such deposits or accounts in

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institutions not insured by a federal agency shall be limited to amounts permitted by regulation of the director of the division of finance;

(4) Stock of a not for profit industrial or community development corporation established for the general welfare of the area but not in excess of a total investment of one-half of one percent of its assets;

(5) Obligations of any city, county, town, school district or other political subdivisions of any state including any agency, corporation, or instrumentality of a state or political subdivision in an amount to any one issuer not greater than ten percent of the capital of the association exclusive of investments in general obligations of any issuer, but each such investment shall, when made, meet any requirements as to quality which the director of the division of finance may prescribe; provided, that any obligations of a political subdivision of any state, including an agency, corporation or instrumentality of a political subdivision may be purchased without regard to such quality requirements in an aggregate amount not exceeding an additional one percent of the association's assets if the association's home office, branch office or agency is located in such county;

(6) Capital stock obligations or other securities of any service corporation, as defined by the director of the division of finance, organized under the laws of any state in which all stock is owned by one or more associations or federal associations in an aggregate amount not exceeding that percent of the assets of the association fixed from time to time by the director of the division of finance; and

(7) Such other securities and in such amounts as may be approved from time to time by the director of the division of finance, and any securities purchased while so approved may be retained if the approval is later withdrawn.

**369.371. COSTS OF REPRODUCING RECORDS — COSTS OF APPEARING IN COURT OR DEPOSITION — LIMITATION OF LIABILITY. —**

**1. Any person requesting association records by subpoena in a civil court case shall reimburse the association fifteen dollars plus a fee of thirty-five cents per page for researching the records and copying or reproduction of such records.**

**2. If the requesting party provides the association a written affidavit, signed by all parties to whom the records pertain, granting permission to release the records at least fourteen days prior to the date scheduled for a records deposition, then the association may mail the records to the requesting party with a business records**

affidavit in lieu of an association officer appearing at a deposition. If an association officer must appear in court or at a records deposition in response to a subpoena, the requesting party shall be responsible for the association's reasonable expenses incurred for appearing in court or at a deposition.

3. A court may assess as costs against any party the expenses incurred and paid to an association for records produced or appearances in the civil action.

4. An association shall have no liability to an account holder for disclosing records in reliance on an affidavit to it in accordance with this section.

**375.017. RECIPROCITY WITH SISTER STATES, NONRESIDENT AGENT'S OR BROKER'S LICENSE. — 1. (1) The director shall not assess a greater fee for an insurance license or related service to a person not residing in the state based solely on the fact that the person does not reside in this state.**

**(2) The director shall waive any license application requirements for a nonresident license applicant with a valid license from his or her home state, except the requirements imposed by subsection 2 of this section, if the applicant's home state awards nonresident licenses to residents of this state on the same basis.**

**(3) A nonresident licensee's satisfaction of his or her home state's continuing education requirements for licensees shall constitute satisfaction of this state's continuing education requirements if the nonresident licensee's home state recognizes the satisfaction of its continuing education requirement imposed upon licensees from this state on the same basis. This section shall also apply to surplus line licensees licensed pursuant to chapter 384, RSMo.**

**2. (1) Unless denied pursuant to section 375.141, a nonresident person shall receive a nonresident agent or broker's license if:**

**(a) The person is currently licensed for the same line of authority as a resident and in good standing in his or her home state;**

**(b) The person has submitted the proper request for licensure and has paid the fees required by law;**

**(c) The person has submitted or transmitted to the director the application for licensure that the person submitted to his or her home state, or in lieu of the same, a completed uniform application; and**

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(d) The person's home state awards nonresident licenses to residents of this state on the same basis.

(2) Notwithstanding any other provision of sections 375.012 to 375.146, a person licensed as a surplus licensee in his or her home state shall receive a nonresident surplus lines license pursuant to subdivision (1) of this subsection. Except as provided in subdivision (1) of this subsection, nothing in this subsection otherwise amends or supercedes any provision of chapter 384, RSMo.

(3) Notwithstanding any other provision of sections 375.012 to 375.146, a person licensed as a limited line credit insurance or other type of limited lines licensee in his or her home state shall receive a nonresident limited lines license, pursuant to subdivision (1) of this subsection, granting the same scope of authority as granted under the license issued by licensee's home state.

3. An individual who applies for an agent or broker's license in this state who was previously licensed for the same lines of authority in another state shall not be required to complete any prelicensing education or examination. This exemption is only available if the person is currently licensed in that state or if the application is received within ninety days of the cancellation of the applicant's previous license and if the prior state issues a certification that, at the time of cancellation, the applicant was in good standing in the state or the state's licensee database records, maintained by the National Association of Insurance Commissioners, its affiliates or subsidiaries, indicate that the licensee was licensed in good standing for the line of authority requested.

4. Subsections 1 to 3 of this section do not apply to excess and surplus licensees licensed pursuant to chapter 384, RSMo, except as provided in subdivision (3) of subsection 1 and subsection 2 of this section.

5. Any bank or trust company in their sale or issuance of insurance products or services, as authorized pursuant to section 362.105, RSMo, shall be subject to the insurance laws of this state and rules adopted by the department of insurance.

**[375.017. RECIPROCITY WITH SISTER STATES, AGENT'S LICENSE.**

— 1. A person not a legal resident of this state may be licensed to act in this state as an agent upon compliance with the provisions of this chapter provided that the state in which the person resides will accord the same privilege to a resident of this state. The director is authorized to enter

into reciprocal agreements with the appropriate official of any other state waiving the written examination of any applicant residing in the other state; provided, the director deems the applicant fully qualified and competent; and

(1) That a written examination is required of applicants for similar licenses in the other state; and

(2) That the appropriate official in that state certifies that the applicant holds a currently valid license as broker or agent in that state and either passed a written examination or was the holder of a license prior to the time a written examination was required.

2. In the event that the applicant is a resident of a state which does not require a written examination, then the director shall subject him to a written examination under terms and conditions to be prescribed by the director of insurance.

3. In the event that the applicant is a resident of another state in which the appropriate insurance official, as a general policy, has refused to permit legal residents of Missouri to become licensed as agents and to transact the business of insurance in such state, then the director shall not license any applicant from that state.]

**375.022. APPOINTMENT OR TERMINATION OF AGENT, COMPANY TO NOTIFY DIRECTOR — APPOINTMENT FEE — INFORMATION**

**CONFIDENTIAL.**— 1. Every insurance company authorized to provide or transact insurance in this state shall, within thirty working days of an appointment of an agent to act for such insurance company, notify the director of such appointment upon forms prescribed by the director. Each appointment will result in a ten-dollar fee. The company shall remit these fees to the department of insurance on a quarterly basis. Such appointments may be made by appointing individual agents or by designating a licensed agency **or a licensed organizational credit agency**. The designation of an agency **or an organizational credit agency** shall be deemed to appoint all agents listed by such agency **or listed as employees of such organizational credit agency** pursuant to section 375.061 **or section 375.065** to act for the insurance company in the lines for which the agent is licensed and the agency is designated. Any additional agents listed by the agency **or additional agents listed by the organizational credit agency** pursuant to section 375.061 **or section 375.065** after the designation of the agency **or the organizational credit agency**, shall be deemed appointed for all companies with existing designations of the agency **or the**

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**organizational credit agency.** The appointment of an agent pursuant to the provisions of this subsection shall terminate upon the agent's termination by or resignation from the agency **or the organizational credit agency**, upon termination of the agency **or the organizational credit agency** by the insurance company, or upon nonrenewal, suspension, surrender or revocation of the agent's license. Every such insurance company shall notify the director within thirty working days of the termination of the appointment of any agent whether the termination is by action of the company or resignation of the agent. Each termination will result in a ten-dollar fee. When the cause of termination is for a reason that, pursuant to the provisions of section 375.141, would permit the director to revoke, suspend or refuse to issue an agent's license, the notice shall state the cause and circumstances of the termination. The notice shall be filed promptly after termination and within such time as may be prescribed by an appropriate order or regulation of the director of the department of insurance. The director may prescribe the form upon which the notification is to be given. The director shall upon written request by the agent furnish to him or her a copy of all information obtained pursuant to this section.

2. Any information filed by an insurance company or obtained by the director pursuant to this section and any document, record or statement required by the director pursuant to the provisions of this section shall be deemed confidential and absolutely privileged. There shall be no liability on the part of, and no cause of action shall arise against, any insurer, its agents or its authorized investigative sources or the director or the director's authorized representatives in connection with any written notice required by this section made by them in good faith.

**375.065. CREDIT INSURANCE AGENT LICENSE — ORGANIZATIONAL CREDIT AGENCY LICENSE — APPLICATION — FEE — RULES. — 1.**

**Notwithstanding any other provision of this chapter, the director may license credit insurance agents by issuing individual licenses to such agents or by issuing an organizational credit agency license to a resident or nonresident applicant who has complied with the requirements of this section. An organizational credit agency license authorizes the licensee's employees who are at least eighteen years of age, acting on behalf of and supervised by the licensee and whose compensation is not primarily paid on a commission basis to act as agents for the following types of insurance:**

- (1) Credit life insurance;**

(2) Credit accident and health insurance;  
(3) Credit property insurance;  
(4) Credit involuntary unemployment insurance;  
(5) Any other form of credit or credit related insurance approved by the director.

2. To obtain an organizational credit agency license, an applicant shall submit to the director an application in a form prescribed by the director along with a fee of one hundred dollars. All applications shall include the following information:

(1) The name of the agency, the business address or addresses of the agency and the type of ownership of the agency. If an agency is a partnership or unincorporated association, the application shall contain the name and address of every person or corporation having a financial interest in or owning any part of such agency. If an agency is a corporation, the application shall contain the names and addresses of all officers and directors of the corporation. If the agency is a limited liability company, the application shall contain the names and addresses of all members and officers of the limited liability company;

(2) A list of all persons employed by the agency and to whom the agency pays any salary or commission for the solicitation or negotiation of any contracts of credit life, credit accident and health, credit involuntary unemployment, credit leave of absence, credit property or any other form of credit or credit related insurance approved by the director.

3. An organizational credit agency authorized pursuant to this section shall be deemed a licensed agency for the purposes of subsection 1 of section 375.061 and section 375.141. All persons included on the list referenced in subdivision (2) of subsection 2 of this section shall be deemed licensed agents pursuant to the provision of section 375.016 for the authorized lines of credit insurance, and shall be deemed licensed agents for the purposes of section 375.141, notwithstanding the fact that individual licenses are not issued to those persons included on such list.

4. Upon receipt of a completed application and payment of the requisite fees, the director, if satisfied that an applicant organizational credit agency has complied with all license requirements contained in this section, shall issue the applicant an organizational credit agency license which shall remain in effect for one year or until suspended or revoked by the director, or until the

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agency ceases to operate as a legal entity in this state. Each organizational credit agency shall renew its license annually, on or before the anniversary date of the original issuance of the license, by:

- (1) Paying a renewal fee of fifty dollars;
- (2) Providing the director a list of all employees soliciting, negotiating and procuring credit insurance, and paying a fee of eighteen dollars per each such employee.

5. Licenses which are not timely renewed shall expire thirty days after the anniversary date of the original issuance. The director shall assess a penalty of twenty-five dollars per month if a formerly licensed credit agency operates as such without a current license.

6. Notwithstanding any other provision of law to the contrary, this section shall not be construed to prohibit an insurance company from paying a commission or providing another form of remuneration to a duly licensed organizational credit agency.

7. The director shall have the power to promulgate such rules and regulations as are necessary to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

**[375.126. RECIPROCITY WITH SISTER STATES, BROKERS' LICENSES.** — A person not a legal resident of this state may be licensed to act in this state as a broker upon compliance with the provisions of this chapter; provided that the state in which the person resides will accord the same privilege to a resident of this state; provided that a written examination is required of applicants for similar licenses in the other state and that the appropriate official in that state certifies that the applicant holds a currently valid license as broker or agent in that state and either passed a written examination or was the holder of a license prior to the time a written examination was required.]

**375.347. RESTRICTION ON OWNERSHIP OF CERTAIN ASSETS NOT EXCLUSIVELY CONTROLLED BY AN INSURANCE COMPANY.** — Securities and other related assets not exclusively controlled by an insurance company shall only be held by banks, trust companies, or securities depositories that are members of or regulated by the Securities and Exchange Commission, the Federal Reserve System or the appropriate bank regulatory authority.

**376.350. REPORTS TO DIRECTOR.—1.** It shall be the duty of the president or vice president and secretary or actuary, or a majority of the directors, of every life assurance company organized [under] **pursuant to** sections 376.010 to 376.670 or [under] **pursuant to** the laws of this state, or any such company incorporated by or organized [under] **pursuant to** the laws of the United States or any other state, and doing business in this state, annually, on the first day of January, or within sixty days thereafter, to prepare under oath, and deposit in the office of the director of the insurance department, a statement made up for the year ending the thirty-first day of December next preceding, showing:

- (1) The number of policies issued during the year;
- (2) The amount of assurance effected thereby;
- (3) The amount of premiums received during the year;
- (4) The amount received for interest, and all other receipts during the year, classifying the items;
- (5) The amount of losses paid during the year;
- (6) The amount of losses unpaid, giving the reason for such nonpayment;
- (7) The amount of expenses, classifying the items;
- (8) The whole number of policies in force, specifying the description;
- (9) The amount of liabilities or risks thereon, and of all other liabilities;
- (10) The amount of capital stock and how invested;
- (11) The amount of assets other than capital, specifying the particular sources from whence they have been derived, and the manner in which they are invested, and what amount is invested in real estate, in stocks, promissory notes and other securities, and what amount is loaned on bonds and mortgages, or deeds of trust, stocks, policies of the company and other securities, specifying the kinds and amounts;
- (12) The amount of dividend declared to stockholders and policyholders, respectively, and how much remains unpaid; and
- (13) A statement of any other facts or information concerning the affairs of said company which may be required by the director.

**2. Notwithstanding any other provision of law to the contrary, information regarding compensation of any employee or officer contained within a statement required to be filed pursuant to this section shall not be subject to disclosure to any person other than employees of the department.**

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**379.105. ANNUAL REPORTS — CONTENTS.— 1.** It shall be the duty of the president or vice president and secretary or a majority of the directors of every insurance company organized [under] **pursuant to** sections 379.010 to 379.160, or the laws of this state, or of the United States or any other state of the United States, doing the business mentioned in section 379.010 annually, on the first day of January, or within sixty days thereafter, to prepare under oath and deposit in the office of the director of the insurance department a statement made up for the year ending the thirty-first day of December next preceding, showing:

- (1) The amount of capital stock of the company, if it be a joint stock company, or if it be a mutual company, the amount of the face of the premium notes held by it, and the amount thereof remaining unpaid, specifying the amount constituting liens on property, and the amount of guarantee fund, if the company has such fund;
- (2) The property or assets held by the company, specifying:
  - (a) The value of the real estate held by such company;
  - (b) The amount of cash on hand or deposited in banks to the credit of the company, specifying in what banks the same is deposited;
  - (c) The amount of cash in the hands of agents, and in the course of transmission;
  - (d) The amount of loans secured by bonds and mortgages or by deeds of trust;
  - (e) The amount of notes and bills receivable, matured and remaining unpaid;
  - (f) The amount of notes and bills receivable maturing;
  - (g) The amount of other securities held by the company specifying what they are and their cash value;
  - (h) The amount of debts considered bad or doubtful;
- (3) The liabilities of the company, as follows:
  - (a) The amount due or to become due to banks or other creditors;
  - (b) Losses adjusted and due;
  - (c) Losses adjusted and not due;
  - (d) Losses unadjusted and in suspense and awaiting further proofs;
  - (e) Premium reserved or amount required to safely reinsure all outstanding risks, to be estimated by taking fifty percent of the gross premiums on all unexpired fire risks that have less than one year to run, and a pro rata of all gross premiums on risks that have more than one year to run, with fifty percent of the gross premiums on all unexpired inland navigation risks, and the whole amount of the gross premiums on

all unexpired marine risks, and a pro rata of all gross premiums on all other risks;

- (f) All other claims against the company;
- (4) Greatest amount insured in any one risk;
- (5) The number of agents employed in this state or other states;
- (6) The amount of outstanding risks and gross premiums received and receivable thereon at the date of each statement;
- (7) The amount of receipts from all sources, and amount of expenditures for all purposes, including dividends for the last fiscal year preceding the date of the statement; and
- (8) A statement of any other facts or information concerning the affairs of said company which may be required by the director.

**2. Notwithstanding any other provision of law to the contrary, information regarding compensation of any employee or officer contained within a statement required to be filed pursuant to this section shall not be subject to disclosure to any person other than employees of the department.**

**400.003-312. LOST, DESTROYED OR STOLEN CASHIER'S CHECK, TELLER'S CHECK OR CERTIFIED CHECK. — (a)**

In this section the following shall mean:

- (1) "Check", a cashier's check, teller's check, or certified check;
- (2) "Claimant", a person who claims the right to receive the amount of a cashier's check, teller's check, or certified check that was lost, destroyed, or stolen;
- (3) "Declaration of loss", a written statement, made under penalty of perjury, to the effect that: (i) the declarer lost possession of a check; (ii) the declarer is the drawer or payee of the check, in the case of a certified check, or the remitter or payee of the check, in the case of a cashier's check or teller's check; (iii) the loss of possession was not the result of a transfer by the declarer [of] or a lawful seizure; and (iv) the declarer cannot reasonably obtain possession of the check because the check was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process;
- (4) "Obligated bank", the issuer of a cashier's check or teller's check or the acceptor of a certified check.

(b) A claimant may assert a claim to the amount of a check by a communication to the obligated bank describing the check with reasonable certainty and requesting payment of the amount of the check,

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if: (i) the claimant is the drawer or payee of a certified check or the remitter or payee of a cashier's check or teller's check; (ii) the communication contains or is accompanied by a declaration of loss of the claimant with respect to the check; (iii) the communication is received at a time and in a manner affording the bank a reasonable time to act on it before the check is paid; and (iv) the claimant provides reasonable identification if requested by the obligated bank. Delivery of a declaration of loss is a warranty of the truth of the statement made in the declaration. If a claim is asserted in compliance with this subsection, the following rules apply:

(1) The claim becomes enforceable at the later of: (i) the time the claim is asserted; or (ii) the ninetieth day following the date of the check, in the case of a cashier's check or teller's check, or the ninetieth day following the date of the acceptance, in the case of a certified check;

(2) Until the claim becomes enforceable it has no legal effect and the obligated bank may pay the check or, in the case of teller's check, may permit the drawee to pay the check. Payment to a person entitled to enforce the check discharges all liability of the obligated bank with respect to the check;

(3) If the claim becomes enforceable before the check is presented for payment, the obligated bank is not obliged to pay the check;

(4) When the claim becomes enforceable, the obligated bank becomes obliged to pay the amount of the check to the claimant if payment of the check has not been made to a person entitled to enforce the check. Subject to section 400.4-302(a)(1), payment to the claimant discharges all liability of the obligated bank with respect to the check.

(c) If the obligated bank pays the amount of a check to a claimant under subsection (b)(4) and the check is presented for payment by a person having rights of a holder in due course, the claimant is obliged to: (i) refund the payment to the obligated bank if the check is paid; or (ii) pay the amount of the check to the person having rights of a holder in due course if the check is dishonored.

(d) If a claimant has the right to assert a claim under subsection (b) and is also a person entitled to enforce a cashier's check, teller's check, or certified check that is lost, destroyed, or stolen, the claimant may assert rights with respect to the check either under this section or section 400.3-309.

**407.125. CHAPTER NOT LIMITATION FOR COMMISSIONER OF SECURITIES.— The provisions of this chapter shall not bar the**

commissioner of securities from administering the provisions of chapter 409, RSMo.

**407.2000. BUSINESS OPPORTUNITIES — DEFINITIONS. — 1.** For the purposes of sections 407.2000 to 407.2021, "business opportunity" means the sale or lease of any product, equipment, supplies or services which are sold or leased to a purchaser to enable the purchaser to start a business for which the purchaser is required to pay an initial fee or sum of money in excess of five hundred dollars to the seller, and in which the seller represents:

(1) That the seller or a person or entity affiliated with, or referred by, the seller will provide locations, or assist the purchaser in finding locations, for the use or operation of vending machines, racks, display cases or other similar devices or currency-operated amusement machines or devices on premises neither owned nor leased by the purchaser or the sellers;

(2) That the promoter or its affiliate or designee will refund all or a substantial part of the purchaser's initial payment if the purchaser is unsuccessful or dissatisfied with the business opportunity;

(3) That the seller guarantees in writing that the purchaser will derive income from the business opportunity which exceeds the price paid or rent charged for the business opportunity or that the seller will refund all or part of the price paid or rent charged for the business opportunity or will repurchase any of the products, equipment, supplies or chattels supplied by the seller, if the purchaser is not satisfied with the business opportunity; or

(4) That the business opportunity is free from risk or certain to produce profits, which representation may arise from all of the assurances taken as a whole.

2. For purposes of subsection 1 of this section the term "assist the purchaser in finding locations", includes, but is not limited to, supplying the purchaser with names of locator companies, contracting with the purchaser to provide assistance or supply names or collecting a fee on behalf of or for a locator company.

3. For purposes of sections 407.2000 to 407.2021, "business opportunity" does not include:

(1) The sale of ongoing businesses when the owner of those businesses sells and intends to sell only those business opportunities

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so long as those business opportunities to be sold are no more than five in number; or

(2) The not-for-profit sale of sales demonstration equipment, materials or samples for a price that does not exceed five hundred dollars or any sales training course offered by the seller, the cost of which does not exceed five hundred dollars.

4. For purposes of sections 407.2000 to 407.2021, "purchaser" shall include a lessee and "seller" shall include a lessor.

**407.2015. PRACTICES PROHIBITED — PENALTY. — 1. A business opportunity seller shall not:**

(1) Misrepresent, by failure to disclose or otherwise, the known required total investment for such business opportunity;

(2) Misrepresent or fail to disclose efforts to sell or establish more franchises or distributorships than it is reasonable to expect the market or market area for the particular business opportunity to sustain;

(3) Misrepresent the quantity or the quality of the products to be sold or distributed through the business opportunity;

(4) Misrepresent the training and management assistance available to the business opportunity purchaser;

(5) Misrepresent the amount of profits, net or gross, which the franchisee can expect from the operation of the business opportunity;

(6) Misrepresent, by failure to disclose or otherwise, the termination, transfer or renewal provision of a business opportunity agreement;

(7) Falsely claim or imply that a primary marketer or trademark of products or services sponsors or participates directly or indirectly in the business opportunity;

(8) Assign a so-called exclusive territory encompassing the same area to more than one business opportunity purchaser;

(9) Provide machines or display of a brand or kind substantially different from and inferior to those promised by the business opportunity seller;

(10) Fail to provide the purchaser a written contract;

(11) Misrepresent the seller's ability or the ability of a person or entity providing services as defined in subdivision (1) of subsection 1 of section 407.2000 to provide locations or assist the purchaser in

finding locations expected to have a positive impact on the success of the business opportunity;

(12) Misrepresent a material fact or create a false or misleading impression in the sale of a business opportunity.

2. Any person who violates the provisions of this section is guilty of a class A misdemeanor.

**407.2021. CIVIL REMEDIES.**— 1. If a business opportunity seller uses untrue or misleading statements in the sale of a business opportunity, fails to give the proper disclosures, or fails to deliver the equipment, supplies or products necessary to begin substantial operation of the business within forty-five days of the delivery date stated in the business opportunity contract, the purchaser may, within one year of the date of the execution of the contract and upon written notice to the seller, rescind the contract and the purchaser shall be entitled to receive from the business opportunity seller all sums paid to the business seller. Upon receipt of such sums, the purchaser shall make available to the seller at the purchaser's address, or at the places at which the purchaser is located at the time notice is given, all products, equipment or supplies received by the purchaser. The purchaser shall not be entitled to unjust enrichment by exercising the remedies provided in this subsection.

2. Any purchaser injured by a violation of sections 407.2000 to 407.2021 or by the business opportunity seller's breach of a contract subject to sections 407.2000 to 407.2021 or any obligation arising therefrom, may bring an action for recovery of damages, including reasonable attorney's fees.

3. Upon complaint of any person that a business opportunity seller has violated the provisions of sections 407.2000 to 407.2021, the circuit court shall have jurisdiction to enjoin the defendant from any further violations.

4. The remedies provided in this section shall be in addition to any other remedies provided by law or in equity.

**408.052. POINTS PROHIBITED, EXCEPTION — PENALTIES FOR ILLEGAL POINTS — VIOLATION A MISDEMEANOR — DEFAULT CHARGE AUTHORIZED, WHEN, EXCEPTIONS.**— 1. No lender shall charge, require or receive, on any residential real estate loan, any points or other fees of any nature whatsoever, excepting insurance, including insurance for involuntary unemployment coverage, and a one percent origination fee,

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whether from the buyer or the seller or any other person, except that the lender may charge bona fide expenses paid by the lender to any other person or entity except to an officer, employee, or director of the lender or to any business in which any officer, employee or director of the lender owns any substantial interest for services actually performed in connection with a loan. In addition to the foregoing, if the loan is for the construction, repair, or improvement of residential real estate, the lender may charge a fee not to exceed one percent of the loan amount for inspection and disbursement of the proceeds of the loan to third parties. Notwithstanding the foregoing, the parties may contract for a default charge for any installment not paid in full within fifteen days of its scheduled due date. The restrictions of this section shall not apply (1) to any loan which is insured or covered by guarantee made by any department, board, bureau, commission, agency or establishment of the United States, pursuant to the authority of any act of Congress heretofore or hereafter adopted; and (2) to any loan for which an offer or commitment or agreement to purchase has been received from and which is made with the intention of reselling such loan to the Federal Housing Administration, Farmers Home Administration, Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, or to any successor to the above mentioned organizations, to any other state or federal governmental or quasi-governmental organization; and (3) provided that the 1994 reenactment of this section shall not be construed to be action taken in accordance with Public Law 96-221, Section 501(b)(4). Any points or fees received in excess of those permitted under this section shall be returned to the person from whom received upon demand.

2. Notwithstanding the language in subsection 1 **of this section**, a lender may pay to an officer, employee or director of the lender, or to any business in which such person has an interest, bona fide fees for services actually and necessarily performed in good faith in connection with a residential real estate loan, provided:

(1) Such services are individually listed by amount and payee on the loan-closing documents; and

(2) Such lender may use the preemption of Public Law 96-221, Section 501 with respect to the residential real estate loan in question.

**When fees charged need not be disclosed in the annual percentage rate required by Title 15, U.S.C. Sections 1601, et seq., and regulations thereunder because such fees are de minimus amounts or**

**for other reasons, such fees need not be included in the annual percentage rate for state examination purposes.**

3. If any points or fees are charged, required or received, which are in excess of those permitted by this section, or which are not returned upon demand when required by this section, then the person paying the same points or fees or his **or her** legal representative may recover twice the amount paid together with costs of the suit and reasonable attorney's fees, provided that the action is brought within five years of such payment.

4. Any lender who knowingly violates the provisions of this section is guilty of a class B misdemeanor.

**408.234. MINIMUM AMOUNT OF LOAN — COLLATERAL — PREPAYMENT RIGHTS, METHOD OF COMPUTATION.**— 1. No lender shall make a second mortgage loan pursuant to sections 408.231 to 408.241 in an initial principal amount of less than two thousand five hundred dollars.

2. A lender may take a security interest in any collateral in conjunction with residential real estate in connection with a second mortgage loan.

3. The borrower shall have an unconditional right to prepay any second mortgage loan. If any such loan providing for interest being added to the principal is prepaid in full one month or more before the final installment date, the lender shall recompute the amount of interest earned to the date of prepayment in full on the basis of the rate of interest originally contracted for computed on the actual unpaid principal balances for the time actually outstanding.

**4. When fees charged need not be disclosed in the annual percentage rate required by Title 15, U.S.C. Sections 1601, et seq., and regulations thereunder because such fees are de minimus amounts or for other reasons, such fees need not be included in the annual percentage rate for state examination purposes.**

**443.415. MORTGAGE MAY BE INSURED FOR CERTAIN BUYERS, AMOUNT, REQUIREMENTS.**— Mortgage insurers may insure a mortgage in an amount not exceeding [ninety-seven] **one hundred** percent of the fair market value of the authorized real estate security at the time that the loan is made if secured by a first lien or charge on such real estate security.

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**525.080. GARNISHEE TO DELIVER PROPERTY, OR PAY DEBTS, OR MAY GIVE BOND THEREFOR.—1.** If it appear that a garnishee, at or after his **or her** garnishment, was possessed of any property of the defendant, or was indebted to him, the court, or judge in vacation, may order the delivery of such property, or the payment of the amount owing by the garnishee, to the sheriff or into court, at such time as the court may direct; or may permit the garnishee to retain the same, upon his **or her** executing a bond to the plaintiff, with security, approved by the court, to the effect that the property shall be forthcoming, or the amount paid, as the court may direct. Upon a breach of the obligation of such bond, the plaintiff may proceed against the obligors therein, in the manner prescribed in the case of a delivery bond given to the sheriff.

**2. Notwithstanding subsection 1 of this section, when property is protected from garnishment by state or federal law including but not limited to federal restrictions on the garnishment of earnings in Title 15, U.S.C. Sections 1671 to 1677 and old age, survivors and disability insurance benefits as provided in Title 42, U.S.C. Section 407, such property need not be delivered to the court by the garnishee to the extent such protection or preemption is applicable.**

**525.230. ALLOWANCE IN SUCH CASE TO GARNISHEE.—1.** The court shall make the garnishee a reasonable allowance for his **or her** trouble and expenses in answering the interrogatories, to be paid out of the funds or proceeds of the property or effects confessed in his **or her** hands. **The reasonable allowances shall include any court costs, attorney's fees and any other bona fide expenses of the garnishee.**

**2.** The court also shall allow the garnishee, in addition to the reasonable allowance for his **or her** trouble and expenses in answering the interrogatories, to [claim a] **collect an administrative** fee consisting of the greater of eight dollars or two percent of the amount required to be deducted by any court ordered garnishment or series of garnishments arising out of the same judgment debt. **Such fee shall be** for the trouble and expenses in administering the notice of garnishment **and paying over any garnished funds available to the court.** The fee shall be withheld by the employer from the employee, **or by any other garnishee from any fund garnished,** in addition to the moneys withheld to satisfy the court ordered judgment. Such fee shall not be a credit against the court ordered judgment **and shall be collected first.**

**525.233. NOTICE OF GARNISHMENT AND WRIT OF SEQUESTRATION TO CONTAIN FEDERAL TAXPAYER IDENTIFICATION NUMBER — FAILURE TO COMPLY, EFFECT.**— The notice of garnishment and the writ of sequestration shall contain the [social security] **federal taxpayer identification** number, when available, on the judgment debtor. When the [social security] **federal taxpayer identification** number is omitted from the notice of garnishment or the writ of sequestration the garnishee shall not be held liable for withholding from the incorrect debtor **by the creditor garnishing the funds**. The creditor shall not have any action against the garnishee, when the [social security] **federal taxpayer identification** number is omitted from the notice of garnishment or the writ of sequestration **or does not match the federal taxpayer identification**, for failure to withhold from [the correct] **any** person the amount stated in the notice of garnishment or the writ of sequestration, except to serve a notice of garnishment or writ of sequestration for the original amount to the garnishee with the correct [social security] **federal taxpayer identification** number.

**525.240. COSTS ADJUDGED AGAINST PLAINTIFF, WHEN — ALLOWANCE TO GARNISHEE.**— If any plaintiff in attachment shall cause any person to be summoned as garnishee, and shall fail to recover judgment against such garnishee, all the costs attending such garnishment shall be adjudged against such plaintiff, and the court shall render judgment in favor of such garnishee, against the plaintiff, for a sum sufficient to indemnify him **or her** for his **or her bona fide** time and expenses **including actual employee costs**, and reasonable attorney's fees, in **preparing**, attending and answering and defending in subsequent proceedings as garnishee.

**525.250. ADJUDICATION OF COSTS IN OTHER CASES.**— In all cases between the plaintiff and garnishee, **a court of competent jurisdiction may order** the parties [may be adjudged] to pay or recover costs, as in ordinary cases between plaintiff and defendant.

**SECTION 1. REQUIRES FILING PROPERTY CONTROL AFFIDAVIT IN CERTAIN CITIES, INCLUDING KANSAS CITY.**— **Any limited liability company that owns and rents or leases real property located within any home rule city with a population of more than four hundred thousand inhabitants which is located in more than one county, shall file with that city's clerk an affidavit listing the name and address of**

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**at least one person, who has management control and responsibility for the real property owned and leased or rented by the limited liability company.**

**SECTION B. EMERGENCY CLAUSE.**—Because immediate action is necessary to protect the public welfare, sections 21.650 and 362.170 are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and sections 21.650 and 362.170 shall be in full force and effect upon its passage and approval.

Approved June 27, 2000

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SB 902 [CCS HS HCS SS SB 902]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Relating to gaming.**

AN ACT to repeal sections 313.008, 313.270, 313.805, 313.807, 313.812, 313.815, 313.817, 313.820, 313.822, 313.825, 313.827, 313.830 and 313.837, RSMo 1994, and sections 313.835 and 313.842, RSMo Supp. 1999, relating to gaming, and to enact in lieu thereof seventeen new sections relating to the same subject, with penalty provisions.

SECTION

- A. Enacting clause.
- 313.008. Gaming commission bingo fund abolished and transferred to gaming commission fund, when, used for certain purposes.
- 313.270. Purchase of goods and services — minority contracts, expiration date — investigation costs — bond — termination of vendor's contract.
- 313.805. Powers of commission — boats to cruise, exceptions.
- 313.807. Excursion gambling boat license, application, fee — occupational license, application, fee — supplier license, application, fee — limited license, allowed, when.
- 313.812. Number of licenses granted in city or county, commission to determine, limits — city or county may submit plan, recommendations — conditions of operator license — boats, requirements — felons not eligible for license, exception — local option, boats may only be locked after voter approval, ballot, prior election, effect of — licensees may be disciplined, when.
- 313.815. Bond, or other surety, licensee to post, when, may be used for expansion or modification — limitations.

- 313.817. Wagering, conduct of, requirements — minors not allowed to wager — dealers must be twenty-one years of age — presentation of false identification a misdemeanor.
- 313.820. Admission fee, amount, division of — licensees subject to all other taxes, collection of nongaming taxes by department of revenue.
- 313.822. Adjusted gross receipts, tax on, rate, collection procedures — portion to home dock city or county, procedure — gaming proceeds for education fund, created, purpose.
- 313.825. Audit of licensee, contents, procedure.
- 313.827. Annual report, contents.
- 313.830. Prohibited acts, penalties — commission to refer violations to attorney general and prosecuting attorney — venue for actions.
- 313.833. Commission authorized to promulgate rules allowing problem gambler to self-exclude — violation of self-exclusion, penalty.
- 313.835. Gaming commission fund created, purpose, expenditures — veterans' commission capital improvement trust fund, created, purpose, funding — disposition of proceeds of gaming commission fund — early childhood development education and care fund, created, purpose, funding, study, rules.
- 313.837. Report to general assembly, when, contents.
- 313.842. Compulsive gamblers fund, created, purpose — programs may be established — department of mental health to administer — fund not to lapse into general revenue.
- 313.843. Excursion gambling boat may offer child-care services, restrictions — licensure, space, times and days.
  - 1. Commission may allow pre-October 22, 1998, lottery winners receiving annual payments to elect to receive a single cash payment, expiration date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Sections 313.008, 313.270, 313.805, 313.807, 313.812, 313.815, 313.817, 313.820, 313.822, 313.825, 313.827, 313.830 and 313.837, RSMo 1994, and sections 313.835 and 313.842, RSMo Supp. 1999, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 313.008, 313.270, 313.805, 313.807, 313.812, 313.815, 313.817, 313.820, 313.822, 313.825, 313.830, 313.833, 313.835, 313.837, 313.842, 313.843 and 1, to read as follows:

**313.008. GAMING COMMISSION BINGO FUND ABOLISHED AND TRANSFERRED TO GAMING COMMISSION FUND, WHEN, USED FOR CERTAIN PURPOSES.**—All revenue received by the commission from license fees, penalties, and administrative fees authorized under the provisions of sections 313.005 to 313.085 shall be deposited in the state treasury to the credit of the "Gaming Commission [Bingo] Fund" [which is hereby created for the sole purpose of funding the administrative costs of the commission relating to the regulation of bingo operations, subject to appropriation. Money deposited into this fund shall not be considered proceeds of bingo operations. Moneys deposited into the gaming commission bingo fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the

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gaming commission bingo fund shall be credited to the gaming commission bingo fund.], **and upon appropriation may be used for the purposes specified in section 313.835. All unobligated funds in the gaming commission bingo fund on August 28, 2000, shall be transferred to the gaming commission fund and the gaming commission bingo fund shall be abolished on June 30, 2001.**

**313.270. PURCHASE OF GOODS AND SERVICES — MINORITY CONTRACTS, EXPIRATION DATE — INVESTIGATION COSTS — BOND — TERMINATION OF VENDOR'S CONTRACT.** — 1. The director, pursuant to rules and regulations issued by the commission, may directly purchase or lease such goods or services as are necessary for effectuating the purposes of sections 313.200 to 313.350, including procurements which integrate functions such as lottery game design, supply of goods and services, and advertising. The lottery commission by approved rule may purchase goods made in the [state of] **United States and sold by a Missouri business** to be given away as prizes within the provisions of section 313.321. Contracts shall be awarded to lottery contractors or lottery vendors on the basis of lowest and best bid on an evaluated basis in order to maximize revenues to the lottery fund. The director may also utilize state purchasing procedures. The director shall award at least ten percent of the aggregate dollar amount of all contracts to provide goods and services to the lottery to minority business enterprises as defined by the office of administration and shall award at least five percent of the aggregate dollar amount of all contracts to provide goods and services to the lottery to women business enterprises as defined by the office of administration. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission.

2. Any contract awarded to any lottery contractor or vendor shall provide that such contractor or vendor shall award a minimum of ten percent of his subcontracted business to minority business enterprises as defined by the office of administration and shall award a minimum of five percent of his subcontracted business to women business enterprises as defined by the office of administration. This section shall not apply to multistate lottery.

3. Any lottery vendor which enters into a contract to supply lottery materials, services or equipment for use in the operation of the state lottery shall first disclose such information as the commission may

require, by rule and regulation, concerning the selection of lottery vendors.

4. The costs of any investigation into the background of the applicant seeking a contract shall be assessed against the applicant and shall be paid by the applicant at the time of billing by the state.

5. Performance bonds shall be posted by each contractor with the commission with a surety acceptable to the commission in an amount as may be required by the commission, but not to exceed the expected total value of the contract. The contract of any lottery contractor who does not comply with such requirements may be terminated by the commission. The commission may terminate the contract of any lottery vendor who:

- (1) Is convicted of any felony;
- (2) Is convicted of any gambling-related offense;
- (3) Is convicted of any crime involving fraud or misrepresentation;
- (4) Fails to comply with the rules and regulations of the commission existing at the time the contract was entered into; or
- (5) Fails to periodically update any disclosure requirements.

6. The provisions in this section requiring that certain percentages of lottery contracts and subcontracts be awarded to businesses owned and controlled by women or ethnic and racial minorities shall expire on January 1, [2000] **2005**.

**313.805. POWERS OF COMMISSION — BOATS TO CRUISE, EXCEPTIONS.**— The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

(1) To investigate applicants and determine the priority and eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Missouri;

(2) To license the operators of excursion gambling boats and operators of gambling games within such boats, to identify occupations within the excursion gambling boat operations which require licensing, and adopt standards for licensing the occupations including establishing fees for the occupational licenses and to license suppliers;

(3) To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held. Notwithstanding the provisions of

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chapter 311, RSMo, to the contrary, the commission may authorize the operation of gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions including providing a maximum loss of five hundred dollars per individual player per gambling excursion;

(4) To enter the premises of excursion gambling boats, facilities, or other places of business of a licensee within this state to determine compliance with sections 313.800 to 313.850;

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures [under] **pursuant to** this section shall be enforced as provided [under] **in** sections 513.600 to 513.645, RSMo;

(7) To require a licensee, an employee of a licensee or holder of an occupational license to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules, orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat or adjacent facilities;

(8) To require the removal from the premises of a licensee, an employee of a licensee, or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

(9) To require all licensees to file all financial reports required by rules and regulations of the commission;

(10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.800 to 313.850 or the commission rules;

(11) To keep accurate and complete records of its proceedings and to certify the records as may be appropriate;

(12) To ensure that the gambling games are conducted fairly. No gambling device shall be set to pay out less than eighty percent of all wagers;

(13) To require all licensees of gambling game operations to use a cashless wagering system whereby all players' money is converted to **physical or electronic** tokens, electronic cards, or chips which only can be used for wagering on the excursion gambling boat;

(14) **To require excursion gambling boat licensees to develop a system, approved by the commission, that allows patrons the option to prohibit the excursion gambling boat licensee from using identifying information for marketing purposes. The provisions of this subdivision shall apply only to patrons giving identifying information for the first time. Such systems shall be submitted to the commission by October 1, 2000, and approved by the commission by January 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from patrons who have elected to have marketing blocked under the provisions of this section only for the purposes of enforcing the requirements contained in sections 313.800 to 313.850, RSMo. This section shall not prohibit the commission from accessing identifying information for the purposes of enforcing section 313.004 and sections 313.800 to 313.850, RSMo;**

(15) Determine which of the authorized gambling games will be permitted on any licensed excursion gambling boat;

[(15)] (16) Excursion gambling boats shall cruise, unless the commission finds that the best interest of Missouri and the safety of the public indicate the need for continuous docking of the excursion gambling boat in any city or county authorized **[under] pursuant to** subsection 10 of section 313.812. The commission shall base its decision to allow continuously docked excursion gambling boats on any of the following criteria: the docking location or the excursion cruise could cause danger to the boat's passengers, violate federal law or the law of another state, or cause disruption of interstate commerce or possible interference with railway or barge transportation. In addition, the commission shall consider economic feasibility or impact that would benefit land-based development and permanent job creation. The commission shall not discriminate among applicants for continuous docking excursion gambling that are similarly situated with respect to the criteria set forth in this section;

[(16)] (17) The commission shall render a finding concerning the possibility of continuous docking, as described in subdivision (15) of this

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section, within thirty days after a hearing on any request from an applicant or licensee. Such hearing may be held prior to any final action on licensing to assist an applicant and any city or county in the finalizing of their economic development plan;

**(18) To require any applicant for a license or renewal of a license to operate an excursion gambling boat to provide an affirmative action plan which has as its goal the use of best efforts to achieve maximum employment of African-Americans and other minorities and maximum participation in the procurement of contractual purchases of goods and services. This provision shall be administered in accordance with all federal and state employment laws, including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license renewal, the licensee will report on the effectiveness of the plan. The commission shall include the licensee's reported information in its annual report to the joint committee on gaming and wagering;**

[(17)] **(19)** To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.

**313.807. EXCURSION GAMBLING BOAT LICENSE, APPLICATION, FEE — OCCUPATIONAL LICENSE, APPLICATION, FEE — SUPPLIER LICENSE, APPLICATION, FEE — LIMITED LICENSE, ALLOWED, WHEN. — 1.** A person may apply to the commission for a license to conduct gambling games on an excursion gambling boat or to operate an excursion gambling boat as provided in sections 313.800 to 313.850. The application for such licenses shall be filed with the commission and shall identify the excursion gambling boat upon which gambling games will be authorized, shall specify the exact location where the excursion gambling boat will be docked, shall specify the extent of the land-based economic development or impact and an affirmative action plan for ownership, contracting and recruiting, training and hiring of minorities and women in all employment classifications for that area, a lease with a home dock city or county, or in lieu thereof a resolution adopted by a city or county supporting or opposing the docking and land-based economic development or impact plan of the operator, and shall be in a form and contain information as the commission prescribes. If a city or county fails to pass a resolution, such action shall not adversely affect the application which shall be deemed complete. The applicant for such license shall file with the application a nonrefundable fee of fifty

thousand dollars or fifteen thousand dollars for each person to be investigated, whichever amount is greater. The applicant shall be responsible for the total cost of the investigation. If the cost of the investigation exceeds the total amount of fees filed by the applicant in this subsection, the commission may assess additional fees as it deems appropriate; however, if the applicant is denied a license, the applicant shall be entitled to a refund of the difference between the application fee and the actual cost of the investigation. The initial license and first subsequent license renewal of an excursion gambling boat operator shall be for a period of one year. Thereafter, license renewal periods shall be two years. However, the commission may reopen licensing hearings at any time. The annual fee for anyone licensed [under] **pursuant to** this subsection shall be set by the commission at a minimum of twenty-five thousand dollars.

2. A person may apply to the commission for a license to conduct an occupation within excursion gambling boat operations which the commission has identified as requiring a license. The commission shall establish and charge holders of occupational licenses an annual license fee for each occupation in amounts determined appropriate by the commission and shall be charged each year the license is in effect. The commission shall set a nonrefundable filing fee to cover the cost of any investigation. Each applicant for a license [under] **pursuant to** this subsection shall annually file for a license.

3. A supplier shall annually apply for a license. The application fee shall be a nonrefundable amount set by the commission to cover the cost of any investigation. The annual fee for such license shall be set by the commission. The commission shall set all standards for equipment and supplies.

4. A licensee licensed to conduct gambling games shall acquire all gambling games or implements of gambling from a licensed supplier **or from a person or entity approved by the commission**. A licensee shall not sell or give gambling games or implements of gambling to another licensee **without the commission's prior written approval**. Any licensed supplier shall have a registered agent within this state.

5. The commission may issue a limited license to operate an excursion gambling boat as defined [under] **pursuant to** subdivision (7) of section 313.800 at a dock other than its home dock, if such city or county where such dock is located has approved gambling games on excursion gambling boats pursuant to subsection 10 of section 313.812.

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**6. Prior to granting a license for an excursion gambling boat, the commission shall ensure that the applicant complies with all local zoning laws, provided that such laws were not changed to the detriment of the applicant having an ownership interest, including without limitation, an option to purchase, a contingent purchase agreement, leasehold interest or contingent leasehold interest, that is the subject of the zoning law change when such law is enacted subsequent to the filing of such application. Nothing in this section shall be construed to prohibit a change in local law in favor of the applicant having the ownership interest in the property.**

**313.812. NUMBER OF LICENSES GRANTED IN CITY OR COUNTY, COMMISSION TO DETERMINE, LIMITS — CITY OR COUNTY MAY SUBMIT PLAN, RECOMMENDATIONS — CONDITIONS OF OPERATOR LICENSE — BOATS, REQUIREMENTS — FELONS NOT ELIGIBLE FOR LICENSE, EXCEPTION — LOCAL OPTION, BOATS MAY ONLY BE LOCKED AFTER VOTER APPROVAL, BALLOT, PRIOR ELECTION, EFFECT OF — LICENSEES MAY BE DISCIPLINED, WHEN. — 1.** The commission may issue licenses pursuant to subsection 1 of section 313.807 when it is satisfied that the applicant has complied with all rules and regulations, including an update of all information provided to the commission in the licensee's initial application. The commission shall decide the number, location and type of excursion gambling boat in a city or county under subsection 10 of this section. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boat will operate and dock, including the docking of an excursion gambling boat which is continuously docked, and other information the commission deems appropriate. The commission shall have the ultimate responsibility of deciding the number, location, and type of excursion gambling boats licensed in a city or county; however, any city or county which has complied with the provisions of subsection 10 of this section shall submit to the commission a plan outlining the following:

- (1) The recommended number of licensed excursion gambling boats operating in such city or county;
- (2) The recommended licensee or licensees operating in such city or county;
- (3) The community's economic development or impact and affirmative action plan concerning minorities' and women's ownership, contracting and employment for the waterfront development;

(4) The city or county proposed sharing of revenue with any other municipality;

(5) Any other information such city or county deems necessary; and

(6) Any other information the commission may determine is necessary.

The commission shall provide for due dates for receiving such plan from the city or county.

2. A license to operate an excursion gambling boat shall only be granted to an applicant upon the express conditions that:

(1) The applicant shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation of an excursion gambling boat licensed under this section or of the system of wagering described in section 313.817. This section does not prohibit a management contract with a person licensed by the commission; and

(2) The applicant shall not in any manner permit a person other than the licensee and the management licensee to have a share, percentage, or proportion of the money received for admissions to the excursion gambling boat.

3. The commission shall require, as a condition of granting a license, that an applicant operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of Missouri's or the home dock city's or county's riverboat history.

4. The commission shall encourage through its rules and regulations the use of Missouri resources, goods and services in the operation of any excursion gambling boat.

5. The excursion gambling boat shall provide for nongaming areas, food service and a Missouri theme gift shop. The amount of space used for gaming shall be determined in accordance with all rules and regulations of the commission and the United States Coast Guard safety regulations.

6. A license to operate gambling games or to operate an excursion gambling boat shall not be granted unless the applicant has, through clear and convincing evidence, demonstrated financial responsibility sufficient to meet adequately the requirements of the proposed enterprise.

7. [The] **Each** applicant shall establish by clear and convincing evidence its fitness to be licensed[if]. **Without limitation, the commission may deny a license based solely on the fact that** there is evidence that any of the following apply:

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(1) The applicant has been suspended from operating an excursion gambling boat or a game of chance or gambling operation in another jurisdiction by a board or commission of that jurisdiction;

(2) The applicant is not the true owner of the enterprise proposed;

(3) The applicant is not the sole owner, and other persons have ownership in the enterprise, which fact has not been disclosed;

(4) The applicant is a corporation that is not publicly traded and ten percent or more of the stock of the corporation is subject to a contract or option to purchase at any time during the period for which the license is to be issued unless the contract or option was disclosed to the commission and the commission approved the sale or transfer during the period of the license;

(5) The applicant has knowingly made a false statement of a material fact to the commission; or

(6) The applicant has failed to meet a valid, bona fide monetary obligation in connection with an excursion gambling boat.

8. A license shall not be granted if the applicant has not established his good repute and moral character or if the applicant has pled guilty to, or has been convicted of, a felony. No licensee shall employ or contract with any person who has pled guilty to, or has been convicted of, a felony to perform any duties directly connected with the licensee's privileges under a license granted pursuant to this section, except that employees performing nongaming related occupations as determined by the commission shall be exempt from the requirements of this subsection.

9. A licensee shall not lend to any person money or any other thing of value for the purpose of permitting that person to wager on any gambling game authorized by law. This does not prohibit credit card or debit card transactions or cashing of checks. Any check cashed must be deposited within twenty-four hours. The commission may require licensees to verify a sufficient account balance exists before cashing any check. Any licensee who violates the provisions of this subsection shall be subject to an administrative penalty of five thousand dollars for each violation. Such administrative penalties shall be assessed and collected by the commission.

10. Gambling excursions including the operation of gambling games on an excursion gambling boat which is not continuously docked shall be allowed only on the Mississippi River and the Missouri River. No license to conduct gambling games on an excursion gambling boat in a city or county shall be issued unless and until the qualified voters of the city or county approve such activities pursuant to this subsection. The

question shall be submitted to the qualified voters of the city or county at a general, primary or special election upon the motion of the governing body of the city or county or upon the petition of fifteen percent of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition. The question shall be submitted in substantially the following form:

Shall the City (County) of ..... allow the licensing of excursion gambling boats or floating facilities as now or hereafter provided by Missouri gaming law in the city (county)?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the commission may license excursion gambling boats in that city or county and such boats may operate on the Mississippi River and the Missouri River. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the commission shall not license such excursion gambling boats in such city or county unless and until the question is again submitted to and approved by a majority of the qualified voters of the city or county at a later election. Excursion gambling boats may only dock in a city or unincorporated area of a county which approves licensing of such excursion gambling boats pursuant to this subsection, but gambling operations may be conducted at any point on the Mississippi River or the Missouri River during an excursion. Those cities and counties which have approved by election pursuant to this subsection, except those cities or counties which have subsequently rejected by election, the licensing of any type of excursion gambling boats in the city or county prior to April 6, 1994, are exempt from any local election requirement of this section as such previous election shall have the same effect as if held after May 20, 1994.

11. If a docking fee is charged by a city or a county, a licensee operating an excursion gambling boat shall pay the docking fee prior to the start of the excursion season.

12. Any licensee shall not be delinquent in the payment of property taxes or other taxes or fees or in the payment of any other contractual obligation or debt due or owed to the state or a political subdivision of the state.

13. An excursion gambling boat licensed by the state shall meet all of the requirements of chapter 306, RSMo, and is subject to an inspection of its sanitary facilities to protect the environment and water quality by the

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commission or its designee before a license to operate an excursion gambling boat is issued by the commission. Licensed excursion gambling boats shall also be subject to such inspections during the period of the license as may be deemed necessary by the commission. The cost of such inspections shall be paid by the licensee.

14. A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or [other action] **if the person is an applicant for licensure, the denial of the application**, for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline:

(1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulation;

(2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming;

(3) Receiving goods or services from a person or business entity who does not hold a supplier's license but who is required to hold such license by the provisions of sections 313.800 to 313.850 or the rules and regulations of the commission;

(4) Being suspended or ruled ineligible or having a license revoked or suspended in any state of gaming jurisdiction;

(5) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and would adversely affect public confidence and trust in gaming;

(6) Employing in any gambling games operation or any excursion gambling boat operation, any person known to have been found guilty of cheating or using any improper device in connection with any gambling game;

(7) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to sections 313.800 to 313.850;

(8) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, or misrepresentation;

(9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850.

**313.815. BOND, OR OTHER SURETY, LICENSEE TO POST, WHEN, MAY BE USED FOR EXPANSION OR MODIFICATION — LIMITATIONS.** — A licensee licensed to operate gambling games under sections 313.800 to 313.850 shall post a bond or other form of surety from a firm licensed to conduct a surety business in this state, as approved by the commission, to the state of Missouri before the license is issued in a sum as the commission shall fix, with sureties approved by the commission. The bond or other form of surety approved by the commission shall be used to guarantee that the licensee faithfully makes the payments, keeps its books and records and makes reports, and conducts its gambling games in conformity with sections 313.800 to 313.850 and the rules adopted by the commission. **The bond or other form of surety may be used to guarantee the completion of any expansion or modification of a gaming facility in a time period which shall be determined by the commission or three years from the effective date of this act, whichever is later. Failure to complete an approved expansion or modification of a gaming facility within such time period as aforesaid may be considered sufficient grounds for not renewing the license for that gaming facility.** The bond or other form of surety approved by the commission shall not be canceled by a surety on less than thirty days' notice in writing to the commission. If a bond or other form of surety approved by the commission is canceled and the licensee fails to file a new bond or other form of surety approved by the commission with the commission in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond or other form of surety approved by the commission is limited to the amount specified in the bond or other form of surety approved by the commission.

**313.817. WAGERING, CONDUCT OF, REQUIREMENTS — MINORS NOT ALLOWED TO WAGER — DEALERS MUST BE TWENTY-ONE YEARS OF AGE — PRESENTATION OF FALSE IDENTIFICATION A MISDEMEANOR.** — 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

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2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money of each wagerer for **electronic or physical** tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the [gambling] tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be permitted in the area in which gambling is being conducted when performing employment-related duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance.

5. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.

**6. It shall be unlawful for a person to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be guilty of a class B misdemeanor for the first offense and a class A misdemeanor for second and subsequent offenses.**

**313.820. ADMISSION FEE, AMOUNT, DIVISION OF — LICENSEES SUBJECT TO ALL OTHER TAXES, COLLECTION OF NONGAMING TAXES BY DEPARTMENT OF REVENUE. — 1.** An excursion boat licensee shall pay to the commission an admission fee of two dollars for each person embarking on an excursion gambling boat with a ticket of admission, **one dollar of such fee shall be deposited to the credit of the gaming commission fund as authorized pursuant to section 313.835,** and one dollar of such fee shall not be considered state funds and shall be paid to the home dock city or county. **Subject to appropriation, one cent of such fee deposited to the credit of the gaming commission may be deposited to the credit of the compulsive gamblers fund created**

**pursuant to the provisions of section 313.842.** Nothing in this section shall preclude any licensee from charging any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat. If tickets are issued which are good for more than one excursion, the admission fee shall be paid to the commission for each person using the ticket on each excursion that the ticket is used. If free passes or complimentary admission tickets are issued, the excursion boat licensee shall pay to the commission the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate; however, the excursion boat licensee may issue fee-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the excursion gambling boat. The issuance of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the fee-free passes are issued shall be filed with the commission.

2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes, property taxes or any other tax or fee now or hereafter lawfully levied by any political subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes or fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision. All state taxes not connected directly to gambling games shall be collected by the department of revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the department of revenue may furnish and the commission may receive tax information to determine if applicants or licensees are complying with the tax laws of this state; however, any tax information acquired by the commission shall not become public record and shall be used exclusively for commission business.

**313.822. ADJUSTED GROSS RECEIPTS, TAX ON, RATE, COLLECTION PROCEDURES — PORTION TO HOME DOCK CITY OR COUNTY, PROCEDURE — GAMING PROCEEDS FOR EDUCATION FUND, CREATED, PURPOSE.** — A tax is imposed on the adjusted gross receipts received from gambling games authorized [under] **pursuant to** sections 313.800 to 313.850 at the rate of twenty percent. The taxes imposed by this section shall be returned to the commission in accordance with the commission's rules and regulations who shall transfer such taxes to the director of revenue. All checks and drafts remitted for payment of these taxes and fees shall be made payable to the director of revenue. If the commission is not satisfied with the return or payment made by any

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licensee, it is hereby authorized and empowered to make an assessment of the amount due based upon any information within its possession or that shall come into its possession. Any licensee against whom an assessment is made by the commission may petition for a reassessment. The request for reassessment shall be made within [ten] **twenty** days from the date the assessment was mailed or delivered to the licensee, whichever is earlier. Whereupon the commission shall give notice of a hearing for reassessment and fix the date upon which the hearing shall be held. The assessment shall become final if a request for reassessment is not received by the commission within the [ten] **twenty** days. Except as provided in this section, on and after April 29, 1993, all functions incident to the administration, collection, enforcement, and operation of the tax imposed by sections 144.010 to 144.525, RSMo, shall be applicable to the taxes and fees imposed by this section.

(1) Each excursion gambling boat shall designate a city or county as its home dock. The home dock city or county may enter into agreements with other cities or counties authorized [under] **pursuant to** subsection 10 of section 313.812 to share revenue obtained [under] **pursuant to** this section. The home dock city or county shall receive ten percent of the adjusted gross receipts tax collections, as levied [under] **pursuant to** this section, for use in providing services necessary for the safety of the public visiting an excursion gambling boat. Such home dock city or county shall annually submit to the commission a shared revenue agreement with any other city or county. All moneys owed the home dock city or county shall be deposited and distributed to such city or county in accordance with rules and regulations of the commission. All revenues provided for in this section to be transferred to the governing body of any city not within a county and any city with a population of over three hundred fifty thousand inhabitants shall not be considered state funds and shall be deposited in such city's general revenue fund to be expended as provided for in this section.

(2) The remaining amount of the adjusted gross receipts tax shall be deposited in the state treasury to the credit of the "Gaming Proceeds for Education Fund" which is hereby created in the state treasury. Moneys deposited in this fund shall be considered the proceeds of excursion boat gambling and state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming proceeds for education fund shall be credited to the gaming proceeds for education fund. Appropriation of the moneys deposited into the gaming proceeds for education fund shall be pursuant to state law.

**313.825. AUDIT OF LICENSEE, CONTENTS, PROCEDURE.**— In accordance with the rules established by the commission, after the end of each calendar quarter, the licensee shall transmit to the commission an audit of compliance and of the financial transactions and condition of the licensee's total operations for the calendar quarter. Any audits shall be conducted by certified public accountants registered or licensed in the state of Missouri under chapter 326, RSMo, and [selected] **approved** by the commission. The compensation for each certified public accountant shall be paid directly by the licensee to the certified public accountant.

**[313.827. ANNUAL REPORT, CONTENTS.** — The commission shall make an annual report to the governor and general assembly, for the period ending December thirty-first of each year. Included in the report shall be an account of the commission's actions, its financial position and results of operation and any recommendations for legislation which the commission deems advisable.]

**313.830. PROHIBITED ACTS, PENALTIES — COMMISSION TO REFER VIOLATIONS TO ATTORNEY GENERAL AND PROSECUTING ATTORNEY — VENUE FOR ACTIONS.**— 1. A person is guilty of a class D felony for any of the following:

- (1) Operating a gambling excursion where wagering is used or to be used without a license issued by the commission;
- (2) Operating a gambling excursion where wagering is permitted other than in the manner specified by section 313.817; or
- (3) Acting, or employing a person to act, as a shill or decoy to encourage participation in a gambling game.

2. A person [permitting a person under the age of twenty-one years to make a wager is guilty of a class B misdemeanor.] **is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for the second and subsequent offenses for any of the following:**

- (1) **Permitting a person under the age of twenty-one to make a wager while on an excursion gambling boat;**
  - (2) **Making or attempting to make a wager while on an excursion gambling boat when such person is under the age of twenty-one years; or**
  - (3) **Aiding a person who is under the age of twenty-one in entering an excursion gambling boat or in making or attempting to make a wager while on an excursion gambling boat.**
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3. A person wagering or accepting a wager at any location outside the excursion gambling boat is in violation of section 572.040, RSMo.

4. A person commits a class D felony and, in addition, shall be barred for life from excursion gambling boats under the jurisdiction of the commission, if the person:

(1) Offers, promises, or gives anything of value or benefit to a person who is connected with an excursion gambling boat operator including, but not limited to, an officer or employee of a licensee or holder of an occupational license pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;

(2) Solicits or knowingly accepts or receives a promise of anything of value or benefit while the person is connected with an excursion gambling boat including, but not limited to, an officer or employee of a licensee, or holder of an occupational license, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;

(3) Uses a device to assist in any of the following:

- (a) In projecting the outcome of the game;
- (b) In keeping track of the cards played;
- (c) In analyzing the probability of the occurrence of an event relating to the gambling game; or
- (d) In analyzing the strategy for playing or betting to be used in the game, except as permitted by the commission;

(4) Cheats at a gambling game;

(5) Manufactures, sells, or distributes any cards, chips, dice, game or device which is intended to be used to violate any provision of sections 313.800 to 313.850;

(6) Instructs a person in cheating or in the use of a device for that purpose with the knowledge or intent that the information or use conveyed may be employed to violate any provision of sections 313.800 to 313.850;

(7) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before it is revealed to the players;

(8) Places a bet after acquiring knowledge, not available to all players, of the outcome of the gambling game which is the subject of the bet or to aid a person in acquiring the knowledge for the purpose of placing a bet contingent on that outcome;

(9) Claims, collects, or takes, or attempts to claim, collect, or take, money or anything of value in or from the gambling games, with intent to defraud, without having made a wager contingent on winning a gambling game, or claims, collects, or takes an amount of money or thing of value of greater value than the amount won;

(10) Knowingly entices or induces a person to go to any place where a gambling game is being conducted or operated in violation of the provisions of sections 313.800 to 313.850 with the intent that the other person plays or participates in that gambling game;

(11) Uses counterfeit chips or tokens in a gambling game;

(12) Knowingly uses, other than chips, tokens, coin, [or] of other methods of credit approved by the commission, legal tender of the United States of America, or to use coin not of the denomination as the coin intended to be used in the gambling games;

(13) Has in the person's possession any device intended to be used to violate a provision of sections 313.800 to 313.850; [or]

(14) Has in the person's possession, except a gambling licensee or employee of a gambling licensee acting in furtherance of the employee's employment, any key or device designed for the purpose of opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or mechanical device connected with the gambling game or for removing coins, tokens, chips or other contents of the gambling game; or

**(15) Knowingly makes a false statement of any material fact to the commission, its agents or employees.**

5. The possession of one or more of the devices described in subdivision (3), (5), (13) or (14) of subsection 4 of this section permits a rebuttable inference that the possessor intended to use the devices for cheating.

6. Except for wagers on gambling games or exchanges for money as provided in section 313.817, a licensee who exchanges tokens, chips, or other forms of credit to be used on gambling games for anything of value commits a class B misdemeanor.

7. If the commission determines that reasonable grounds to believe that a violation of sections 313.800 to 313.850 has occurred or is occurring which is a criminal offense, the commission shall refer such matter to both the state attorney general and the prosecuting attorney or

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circuit attorney having jurisdiction. The state attorney general and the prosecuting attorney or circuit attorney with such jurisdiction shall have concurrent jurisdiction to commence actions for violations of sections 313.800 to 313.850 where such violations have occurred.

8. Venue for all crimes committed on an excursion gambling boat shall be the jurisdiction of the home dock city or county or such county where a home dock city is located.

**313.833. COMMISSION AUTHORIZED TO PROMULGATE RULES ALLOWING PROBLEM GAMBLER TO SELF-EXCLUDE — VIOLATION OF SELF-EXCLUSION, PENALTY. — The commission may promulgate rules allowing a person that is a problem gambler to voluntarily exclude him/herself from an excursion gambling boat. Any person that has been self-excluded is guilty of trespassing in the first degree pursuant to section 569.140, RSMo, if such person enters an excursion gambling boat.**

**313.835. GAMING COMMISSION FUND CREATED, PURPOSE, EXPENDITURES — VETERANS' COMMISSION CAPITAL IMPROVEMENT TRUST FUND, CREATED, PURPOSE, FUNDING — DISPOSITION OF PROCEEDS OF GAMING COMMISSION FUND — EARLY CHILDHOOD DEVELOPMENT EDUCATION AND CARE FUND, CREATED, PURPOSE, FUNDING, STUDY, RULES.— 1.** All revenue received by the commission from license fees, penalties, administrative fees, reimbursement by any excursion gambling boat operators for services provided by the commission and admission fees authorized pursuant to the provisions of sections 313.800 to 313.850, **except that portion of the admission fee, not to exceed one cent, that may be appropriated to the compulsive gamblers fund as provided in section 313.820,** shall be deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby created for the sole purpose of funding the administrative costs of the commission, subject to appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling operations. Moneys deposited into the gaming commission fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming commission fund shall be credited to the gaming commission fund. In each fiscal year, total revenues to the gaming commission fund for the preceding fiscal year shall be compared to total expenditures and transfers from the gaming commission fund for

the preceding fiscal year. The remaining net proceeds in the gaming commission fund shall be distributed in the following manner:

(1) The first five hundred thousand dollars shall be appropriated on a per capita basis to cities and counties that match the state portion and have demonstrated a need for funding community neighborhood organization programs for the homeless and to deter gang-related violence and crimes;

(2) The remaining net proceeds in the gaming commission fund for fiscal year 1998 and prior years shall be transferred to the "Veterans' Commission Capital Improvement Trust Fund", as hereby created in the state treasury. The state treasurer shall administer the veterans' commission capital improvement trust fund, and the moneys in such fund shall be used solely, upon appropriation, by the Missouri veterans' commission for:

(a) The construction, maintenance or renovation or equipment needs of veterans' homes in this state;

(b) The construction, maintenance, renovation, equipment needs and operation of veterans' cemeteries in this state;

(c) Fund transfers to Missouri veterans' homes fund established pursuant to the provisions of section 42.121, RSMo, as necessary to maintain solvency of the fund; and

(d) Fund transfers to any municipality with a population greater than four hundred thousand and located in part of a county with a population greater than six hundred thousand in this state which has established a fund for the sole purpose of the restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I.

Appropriations from the veterans' commission capital improvement trust fund to such memorial fund shall be provided only as a one-time match for other funds devoted to the project and shall not exceed five million dollars. Additional appropriations not to exceed [two] **ten** million dollars total may be made from the veterans' commission capital improvement trust fund as a match to other funds for the **new construction or** renovation of other facilities dedicated as veterans' memorials in the state. All appropriations for renovation, **new construction**, reconstruction, and maintenance of veterans' memorials shall be made only for applications received by the Missouri veterans' commission prior to July 1, [2000] **2004**.

Any interest which accrues to the fund shall remain in the fund and shall be used in the same manner as moneys which are transferred to the fund pursuant to this section. Notwithstanding the provisions of section

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33.080, RSMo, to the contrary, moneys in the veterans' commission capital improvement trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund;

(3) The remaining net proceeds in the gaming commission fund for fiscal year 1999 and each fiscal year thereafter shall be distributed as follows:

(a) Three million dollars shall be transferred to the veterans' commission capital improvement trust fund;

(b) Three million dollars shall be transferred to the Missouri national guard trust fund created in section 41.214, RSMo;

(c) Three million dollars shall be transferred to the Missouri college guarantee fund, established pursuant to the provisions of section 173.248, RSMo, and additional moneys as annually appropriated by the general assembly shall be appropriated to such fund;

(d) Subject to appropriations, one hundred percent of remaining net proceeds in the gaming commission fund except as provided in paragraph (l) of this subdivision, shall be transferred to the "Early Childhood Development, Education and Care Fund" which is hereby created to give parents meaningful choices and assistance in choosing the child-care and education arrangements that are appropriate for their family. All interest received on the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. Any moneys deposited in such fund shall be used to support programs that prepare children prior to the age in which they are eligible to enroll in kindergarten, pursuant to section 160.053, RSMo, to enter school ready to learn. All moneys deposited in the early childhood development, education and care fund shall be annually appropriated for voluntary, early childhood development, education and care programs serving children in every region of the state not yet enrolled in kindergarten;

(e) No less than sixty percent of moneys deposited in the early childhood development, education and care fund shall be appropriated as provided in this paragraph to the department of elementary and secondary education and to the department of social services to provide early childhood development, education and care programs through competitive grants to, or contracts with, governmental or private agencies. Eighty percent of such moneys pursuant to the provisions of this paragraph and additional moneys as appropriated by the general assembly shall be appropriated to the department of elementary and

secondary education and twenty percent of such moneys pursuant to the provisions of this paragraph shall be appropriated to the department of social services. The departments shall provide public notice and information about the grant process to potential applicants.

a. Grants or contracts may be provided for:

(i) Start-up funds for necessary materials, supplies, equipment and facilities; and

(ii) Ongoing costs associated with the implementation of a sliding parental fee schedule based on income;

b. Grant and contract applications shall, at a minimum, include:

(i) A funding plan which demonstrates funding from a variety of sources including parental fees;

(ii) A child development, education and care plan that is appropriate to meet the needs of children;

(iii) The identity of any partner agencies or contractual service providers;

(iv) Documentation of community input into program development;

(v) Demonstration of financial and programmatic accountability on an annual basis;

(vi) Commitment to state licensure within one year of the initial grant, if funding comes from the appropriation to the department of elementary and secondary education and commitment to compliance with the requirements of the department of social services, if funding comes from the department of social services; and

(vii) With respect to applications by public schools, the establishment of a parent advisory committee within each public school program;

c. In awarding grants and contracts pursuant to this paragraph, the departments may give preference to programs which:

(i) Are new or expanding programs which increase capacity;

(ii) Target geographic areas of high need, namely where the ratio of program slots to children under the age of six in the area is less than the same ratio statewide;

(iii) Are programs designed for special needs children;

(iv) Are programs that offer services during nontraditional hours and weekends; or

(v) Are programs that serve a high concentration of low-income families;

d. Beginning on August 28, 1998, the department of elementary and secondary education and the department of social services shall initiate

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and conduct a four-year study to evaluate the impact of early childhood development, education and care in this state. The study shall consist of an evaluation of children eligible for moneys pursuant to this paragraph, including an evaluation of the early childhood development, education and care of those children participating in such program and those not participating in the program over a four-year period. At the conclusion of the study, the department of elementary and secondary education and the department of social services shall, within ninety days of conclusion of the study, submit a report to the general assembly and the governor, with an analysis of the study required pursuant to this subparagraph, all data collected, findings, and other information relevant to early childhood development, education and care;

(f) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide early childhood development, education and care programs through child development, education and care certificates to families whose income does not exceed one hundred eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C. 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding early childhood development, education and care programs as approved by the department of social services. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. On February first of each year the department shall certify the total amount of child development, education and care certificates applied for and the unused balance of the funds shall be released to be used for supplementing the competitive grants and contracts program authorized pursuant to paragraph (e) of this subdivision;

(g) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to increase reimbursements to child care facilities for low-income children that are accredited by a recognized, early childhood accrediting organization;

(h) No less than ten percent of the funds deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide assistance to eligible parents whose family income does not exceed one hundred eighty-five percent of the federal poverty level who wish to care for their children under three

years of age in the home, to enable such parent to take advantage of early childhood development, education and care programs for such parent's child or children. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. The department of social services shall provide assistance to these parents in the effective use of early childhood development, education and care tools and methods;

(i) In setting the value of parental certificates under paragraph (f) of this subdivision and payments under paragraph (h) of this subdivision, the department of social services may increase the value based on the following:

a. The adult caretaker of the children successfully participates in the parents as teachers program pursuant to the provisions of sections 178.691 to 178.699, RSMo, a training program provided by the department on early childhood development, education and care, the home-based Head Start program as defined in 42 U.S.C. 9832 or a similar program approved by the department;

b. The adult caretaker consents to and clears a child abuse or neglect screening pursuant to subdivision (1) of subsection 2 of section 210.152, RSMo; and

c. The degree of economic need of the family;

(j) The department of elementary and secondary education and the department of social services each shall by rule promulgated pursuant to chapter 536, RSMo, establish guidelines for the implementation of the early childhood development, education and care programs as provided in paragraphs (e) through (i) of this subdivision;

(k) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in paragraph (j) of this subdivision shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are

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held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998;

(1) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of this subdivision, in the gaming commission fund annually exceeds twenty-seven million dollars, one and one-half million dollars of such proceeds shall be transferred annually, subject to appropriation, to the Missouri college guarantee fund, established pursuant to the provisions of section 173.248, RSMo.

2. Upon request by the veterans' commission, the general assembly may appropriate moneys from the veterans' commission capital improvements trust fund to the Missouri national guard trust fund to support the activities described in section 41.958, RSMo.

**313.837. REPORT TO GENERAL ASSEMBLY, WHEN, CONTENTS.—**

The commission shall report to the general assembly [on September 1, 1993, and] every [January fifteenth thereafter] **October first**, the number of excursion gambling boat licenses which the commission has issued, the status of the competitiveness of Missouri excursion gambling boats when compared to the gaming tax rate of adjoining states and the effects of loss of limits imposed by subdivision (3) of section 313.805 on the competitiveness of the gaming industry in Missouri. The report shall contain any recommendations for changes in the adjusted gross receipts tax rate as provided in section 313.822, **an account of the commission's actions, its financial position and results of operation and any recommendations for legislation which the commission deems advisable.**

**313.842. COMPULSIVE GAMBLERS FUND, CREATED, PURPOSE — PROGRAMS MAY BE ESTABLISHED — DEPARTMENT OF MENTAL HEALTH TO ADMINISTER — FUND NOT TO LAPSE INTO GENERAL REVENUE.—**There may be established [an outpatient center] **programs** which shall provide **treatment, prevention and education** services for compulsive [gamblers and their families] **gambling**. As used in this section, "compulsive [gambler] **gambling**" means a **condition suffered by a person who is chronically and progressively preoccupied with gambling and the urge to gamble. [Such centers] Subject to appropriation, such programs shall be funded from the one cent**

**admission fee authorized pursuant to section 313.820, and in addition,** may be funded from the taxes collected and distributed to any city or county under section 313.822. Such moneys shall be submitted to the state and credited to the "Compulsive Gamblers Fund", which is hereby established within the department of mental health. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. The department of mental health shall administer [all] programs, either directly or by contract, for compulsive gamblers. **The commission may administer programs to educate the public about problem gambling and promote treatment programs offered by the department of mental health. In addition, the commission shall administer the voluntary exclusion program for problem gamblers authorized by section 313.833.**

**313.843. EXCURSION GAMBLING BOAT MAY OFFER CHILD-CARE SERVICES, RESTRICTIONS — LICENSURE, SPACE, TIMES AND DAYS. —** Any excursion gambling boat, as defined in section 313.800, may offer child care services for its employees if licensed by the department of health pursuant to sections 210.201 to 210.259, RSMo. Child care services may only be offered for children of excursion gambling boat patrons if such child care services:

(1) Are licensed by the department of health pursuant to sections 210.201 to 210.259, RSMo;

(2) The area where such child care services are offered is a minimum of eight thousand square feet; and

(3) Are not offered after eleven o'clock p.m. on days which immediately precede days which public elementary and secondary schools in the county in which the licensee is located are scheduled to be in session, and are not offered after one o'clock a.m. on other days.

**SECTION 1. COMMISSION MAY ALLOW PRE-OCTOBER 22, 1998, LOTTERY WINNERS RECEIVING ANNUAL PAYMENTS TO ELECT TO RECEIVE A SINGLE CASH PAYMENT, EXPIRATION DATE. —**

Notwithstanding section 313.351, RSMo, to the contrary, the commission as defined in section 313.205, RSMo, may allow any state lottery prize winner who won the lottery, as defined in chapter 313, RSMo, before October 22, 1998, and who is currently receiving annual payments from annuities or securities, to elect to receive a

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**single cash payment in lieu of remaining annual payments. This section shall expire on December 31, 2000.**

Approved June 27, 2000

SB 944 [CCS#2 HCS SB 944]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Revises prohibitions on drugs and weapons on school premises.**

AN ACT to repeal sections 475.060 and 475.070, RSMo 1994, and sections 160.261, 160.522, 161.650, 163.031, 165.011, 165.016, 167.020, 167.023, 167.115, 167.117, 167.171, 170.250, 210.865 and 571.030, RSMo Supp. 1999, relating to school safety, and to enact in lieu thereof twenty-two new sections relating to the same subject, with penalty provisions.

SECTION

A. Enacting clause.

- 160.261. Discipline, written policy established by local boards of education — contents — reporting requirements — need to know defined — weapons offense, mandatory suspension or expulsion — no civil liability for authorized personnel — spanking not child abuse, when — investigation procedure — officials falsifying reports, penalty.
- 160.522. Annual public reporting of information by school districts, distribution — multiple reporting models, contents — summary of accreditation, contents.
- 160.660. School safety provisions — rules.
- 160.700. National guard pilot instruction program — duties — qualifications — fund.
- 161.650. Department to identify and adopt violence prevention program, district to administer — state board to adopt violence prevention program — duties — administered how — funding.
- 163.031. State aid — amount, how determined — deductions — categorical add-on revenue, determination of amount — district apportionment, determination of — adjustment of operating levy — minimum revenue — waiver of rules — deposits to outstanding schools trust fund, when — placement of funds received — penalty.
- 165.011. Tuition — accounting of school moneys, funds — uses — transfers to and from incidental fund, when — effect of unlawful transfers.
- 165.016. Amount to be spent on tuition, retirement and compensation — base school year certificated salary percentage — exemption and revision — penalty.
- 167.020. Registration requirements — residency — homeless child defined — recovery of costs, when — records to be requested, provided, when.
- 167.023. Affidavit of expulsion for certain offenses required for student admission — false statements, penalty.
- 167.115. Juvenile officer or other law enforcement authority to report to superintendent, when, how — superintendent to report certain acts, to whom — notice of suspension or expulsion to court — superintendent to consult.

- 167.117. Principal, teachers, school employees to report certain acts, to whom, exceptions — limit on liability — penalty.
- 167.171. Summary suspension of pupil — appeal — grounds for suspension — procedure — conference required, when — statewide suspension, when.
- 170.250. Video instructional development and educational opportunity program, established, purpose — fund established, uses — advisory committee, members, expenses — administration of program grants — health care providers to be furnished courses, when — availability of instructional programs — local telephone company, tariff filing, provision of service, rates.
- 210.865. Information system, tracking of children by court and by certain state departments — information to be confidential, when.
- 475.060. Application for guardianship — petition for guardianship may be limited to school registration or insurance coverage.
- 475.070. Notice of petition for appointment of guardian or conservator for a minor — service on parents of minor not required, when.
- 569.155. Trespass of a school bus, penalty — schools to establish student behavior policy, when.
- 571.030. Unlawful use of weapons — exceptions — penalties.
- 574.150. Making a terroristic threat, penalty.
  - 1. Student suicide prevention programs, competitive grants, training, reports, rules.
  - 2. School information furnished by charter, private or parochial schools, limited liability.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Section 475.060 and 475.070, RSMo 1994, and sections 160.261, 160.522, 161.650, 163.031, 165.011, 165.016, 167.020, 167.023, 167.115, 167.117, 167.171, 170.250, 210.865 and 571.030, RSMo Supp. 1999, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 160.261, 160.522, 160.660, 160.700, 161.650, 163.031, 165.011, 165.016, 167.020, 167.023, 167.115, 167.117, 167.171, 170.250, 210.865, 475.060, 475.070, 569.155, 571.030, 574.150, 1 and 2, to read as follows:

**160.261. DISCIPLINE, WRITTEN POLICY ESTABLISHED BY LOCAL BOARDS OF EDUCATION — CONTENTS — REPORTING REQUIREMENTS — NEED TO KNOW DEFINED — WEAPONS OFFENSE, MANDATORY SUSPENSION OR EXPULSION — NO CIVIL LIABILITY FOR AUTHORIZED PERSONNEL — SPANKING NOT CHILD ABUSE, WHEN — INVESTIGATION PROCEDURE — OFFICIALS FALSIFYING REPORTS, PENALTY.**— 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public

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inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to teachers and other school district employees with a need to know. For the purposes of this act, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002, RSMo, to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following felonies, or any act which if committed by an adult would be one of the following felonies:

- (1) First degree murder under section 565.020, RSMo;
- (2) Second degree murder under section 565.021, RSMo;
- (3) Kidnapping under section 565.110, RSMo;
- (4) First degree assault under section 565.050, RSMo;
- (5) Forcible rape under section 566.030, RSMo;
- (6) Forcible sodomy under section 566.060, RSMo;
- (7) Burglary in the first degree under section 569.160, RSMo;
- (8) Burglary in the second degree under section 569.170, RSMo;
- (9) Robbery in the first degree under section 569.020, RSMo;
- (10) Distribution of drugs under section 195.211, RSMo;
- (11) Distribution of drugs to a minor under section 195.212, RSMo;
- (12) Arson in the first degree under section 569.040, RSMo;
- (13) Voluntary manslaughter under section 565.023, RSMo;
- (14) Involuntary manslaughter under section 565.024, RSMo;
- (15) Second degree assault under section 565.060, RSMo;
- (16) Sexual assault under section 566.040, RSMo;
- (17) Felonious restraint under section 565.120, RSMo;

(18) Property damage in the first degree under section 569.100, RSMo; [or]

(19) The possession of a weapon under chapter 571, RSMo;

**(20) Child molestation in the first degree pursuant to section 566.067, RSMo;**

**(21) Deviate sexual assault pursuant to section 566.070, RSMo;**

**(22) Sexual misconduct involving a child pursuant to section 566.083, RSMo; or**

**(23) Sexual abuse pursuant to section 566.100;**

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, **including but not limited to, the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property** in violation of district policy, except that:

(1) The superintendent, or in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

4. For the purpose of this section, the term "weapon" shall mean a "firearm" as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010, RSMo: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War

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reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define "weapon" in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

5. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

6. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of school children, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policy of discipline developed by each board under this section.

7. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. Acts of violence as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district, compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020, RSMo, to any school district in which the student subsequently attempts to enroll.

8. Spanking, when administered by certificated personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210, RSMo. The provisions of sections 210.110 to 210.165, RSMo, notwithstanding, the division of family services shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to any spanking administered in a reasonable manner by any certificated school personnel pursuant to a written policy of discipline established by the board of education of the school district. Upon receipt of any reports of child abuse by the division of family services pursuant to sections 210.110 to 210.165, RSMo, which allegedly involves personnel of a school district, the division of family services

shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the division of family services and take no further action. In all matters referred back to the division of family services, the division of family services shall treat the report in the same manner as other reports of alleged child abuse received by the division. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the juvenile officer of the county in which the alleged incident occurred. The report shall be jointly investigated by the juvenile officer or a law enforcement officer designated by the juvenile officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by the juvenile officer or a law enforcement officer designated by the juvenile officer and the president of the school board or such president's designee. The investigation shall begin no later than forty-eight hours after notification from the division of family services is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the division of family services. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated. The school board shall consider the separate reports and shall issue its findings and conclusions

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and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school board personnel agree that the evidence shows that no abuse occurred;

(2) The report of the alleged child abuse is substantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel agree that the evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

9. The findings and conclusions of the school board shall be sent to the division of family services. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the division of family services central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the division of family services shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the division of family services shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the division of family services unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

10. Any superintendent of schools, president of a school board or such person's designee, or juvenile officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

**160.522. ANNUAL PUBLIC REPORTING OF INFORMATION BY SCHOOL DISTRICTS, DISTRIBUTION — MULTIPLE REPORTING MODELS, CONTENTS — SUMMARY OF ACCREDITATION, CONTENTS.—** 1. [By July 1, 1996,] The state board of education shall adopt a policy for the public reporting of information by school districts on an annual basis. The school district reports shall be distributed to all media outlets serving the district, and shall be made available to all district patrons, and to each member of the general assembly representing a legislative district which contains a portion of the school district.

2. The department of elementary and secondary education shall develop multiple reporting models which may be used by school districts for their public reports. The information reported shall include, but not be limited to, enrollment, rates of pupil attendance, high school dropout rate, **the rates and durations of, and reasons for, suspensions of ten days or longer and expulsions of pupils**, staffing ratios, including the district ratio of students to all teachers, to administrators, and to classroom teachers, the average years of experience of professional staff and advanced degrees earned, student achievement as determined through the assessment system developed pursuant to section 160.518, student scores on the SAT or ACT, along with the percentage of students taking each test, average teachers' and administrators' salaries compared to the state averages, average salaries of noncertificated personnel compared to state averages, average per pupil expenditures for the district as a whole and for each building in the district which has pupils at the same grade level as another building in the district, voted and adjusted tax rates levied, assessed valuation, percent of the district operating budget received from state, federal, and local sources, extracurricular activities offered and the costs associated with each activity, the number of students eligible for free or reduced lunch, school calendar information, including the number of days and hours for student attendance, parent-teacher conferences, and staff development or in-service training, data on course offerings and rates of participation in parent-teacher conferences, special education programs, early childhood special education programs, parents as teachers programs, vocational education programs, gifted or enrichment programs, and advanced placement programs, data on the number of students continuing their education in postsecondary programs and information about job placement for students who complete district vocational education programs, and the district's most recent accreditation by the state board of education, including measures for school improvement.

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3. The public reporting shall permit the disclosure of data on a school by school basis, but the reporting shall not be personally identifiable to any student or education professional in the state.

4. [Beginning July 1, 1996,] The annual report made by the state board of education pursuant to section 161.092, RSMo, shall include a summary of school districts accredited, provisionally accredited, and unaccredited under the Missouri school improvement program, including an analysis of standards met and not met, and an analysis of state program assessment data collected pursuant to section 160.526, describing the kinds of tasks students can perform.

**160.660. SCHOOL SAFETY PROVISIONS — RULES. — 1. On or before July 1, 2001, the state board of education shall add to any school facilities and safety criteria developed for the Missouri school improvement program provisions that require:**

**(a) Each school district's designated safety coordinator to have a thorough knowledge of all federal, state and local school violence prevention programs and resources available to students, teachers or staff in the district; and**

**(b) Each school district to fully utilize all such programs and resources that the local school board or its designee determines are necessary and cost-effective for the school district.**

**2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.**

**160.700. NATIONAL GUARD PILOT INSTRUCTION PROGRAM — DUTIES — QUALIFICATIONS — FUND. — 1. There is hereby established a pilot program for public middle school students using military training and motivation methods. This program shall be established jointly by the department of elementary and secondary education, the department of social services and the national guard.**

2. The program may include and emphasize appropriate role model examples, adventure training, codes of conduct and policies on discipline as necessary to train students to become personally disciplined.

3. Students in the seventh or eighth grades may apply to attend the program upon recommendation of their school administration, or upon recommendation by local division of family services counselors.

4. This program shall be a four week residential program at a national guard facility during which time military training instructors from the national guard shall have overall responsibility for the students. Academic instruction shall be provided by the local school system and needed training for the families of the students shall be provided by school counselors or the department of social services.

5. There is hereby established in the state treasury the "National Guard Pilot Instruction Program Fund". The pilot program of public instruction established pursuant to this section shall be funded by moneys from this fund. The fund may receive any grants, gifts, donations and appropriations for the purpose of establishing and operating this program.

**161.650. DEPARTMENT TO IDENTIFY AND ADOPT VIOLENCE PREVENTION PROGRAM, DISTRICT TO ADMINISTER — STATE BOARD TO ADOPT VIOLENCE PREVENTION PROGRAM — DUTIES — ADMINISTERED HOW — FUNDING.**— 1. The department of elementary and secondary education shall identify and[, if necessary,] adopt an existing program or programs of educational instruction regarding violence prevention to be administered by public school districts pursuant to subsection 2 of this section, and which shall include, **but shall not be limited to**, instructing students of the negative consequences, both to the individual and to society at large, of membership in or association with criminal street gangs or participation in criminal street gang activity, as those phrases are defined in section 578.421, RSMo, and shall include related training for school district employees directly responsible for the education of students concerning violence prevention and early identification of and intervention in violent behavior. The state board of education shall adopt such program or programs by rule as approved for use in Missouri public schools. The program or programs of instruction shall encourage nonviolent conflict

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resolution of problems facing youth; present alternative constructive activities for the students; encourage community participation in program instruction, including but not limited to parents and law enforcement officials; and shall be administered as appropriate for different grade levels and shall not be offered for academic credit.

2. [Beginning no later than the 1998-99 school year and each school year thereafter,] All public school districts within this state with the approval of the district's board of education may administer the program or programs of student instruction adopted pursuant to subsection 1 of this section to students within the district starting at the kindergarten level and every year thereafter through the twelfth grade level.

**3. Any district adopting and providing a program of instruction pursuant to this section shall be entitled to receive state aid pursuant to section 163.031, RSMo. If such aid is determined by the department to be insufficient to implement any program or programs adopted by a district pursuant to this section:**

(1) The department may fund the program or programs adopted pursuant to this section or pursuant to subsection 2 of section 160.530, RSMo, or both, after securing any funding available from alternative sources[.]; and

(2) School districts may fund the program or programs from funds received pursuant to subsection 1 of section 160.530, RSMo, and section 166.260, RSMo.

4. No rule or portion of a rule promulgated [under the authority of] **pursuant to** this section shall become effective unless it has been promulgated pursuant to [the provisions of section 536.024] **chapter 536, RSMo.**

**163.031. STATE AID — AMOUNT, HOW DETERMINED — DEDUCTIONS — CATEGORICAL ADD-ON REVENUE, DETERMINATION OF AMOUNT — DISTRICT APPORTIONMENT, DETERMINATION OF — ADJUSTMENT OF OPERATING LEVY — MINIMUM REVENUE — WAIVER OF RULES — DEPOSITS TO OUTSTANDING SCHOOLS TRUST FUND, WHEN — PLACEMENT OF FUNDS RECEIVED — PENALTY.**— 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the lesser of the district's equalized operating levy for school purposes as defined in section 163.011 or two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the

proration factor plus an amount determined by multiplying the number of eligible pupils by the greater of zero or the district's equalized operating levy for school purposes as defined in section 163.011 minus two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution under subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection; provided that, if the proration factor so calculated is greater than one, the proration factor for line 1(b) shall be the greater of one or the proration factor for line 1(a) minus five hundredths, and provided that if the proration factor so calculated is less than one, the proration factor for line 1(a) shall be the lesser of one or the proration factor for line 1(b) plus five hundredths.

2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school purposes times the district income factor plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087, of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes from the fair

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share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: **seventy-five percent of the costs of adopting and providing a violence prevention program pursuant to section 161.650, RSMo, multiplied by the proration factor;** seventy-five percent of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent, for a district with an operating levy in excess of two dollars and seventy-five cents per one hundred dollars assessed valuation, or twenty-two percent, otherwise times the guaranteed tax base per eligible pupil times two dollars and seventy-five cents per one hundred dollars assessed valuation times the proration factor plus the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, times thirty percent times the guaranteed tax base per eligible pupil times the following quantity: ((the greater of zero or the district's operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) times one or, beginning in the fifth year following the effective date of this section, the quotient of the district's fiscal instructional ratio of efficiency for the prior year divided by the fiscal year 1998 statewide average fiscal instructional ratio of efficiency, if the district's prior year fiscal

instructional ratio of efficiency is at least five percent below the fiscal year 1998 statewide average) times the proration factor, minus court-ordered state desegregation aid received by the district for operating purposes; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.

5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for the district to at least maintain the current operating expenditures per pupil received by the district from all sources in the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is less.

(2) The revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14 per eligible pupil that exceeds the line 14 per pupil amount from the 1997-98 school year, or the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14(a) per eligible pupil times the quotient of line 1 minus line 10, divided by the number of eligible pupils, or zero if line 1 minus line 10 is less than zero, divided by the revenue per eligible pupil received by the district in the 1992-93 school year from the foundation formula entitlement payment amount, whichever is greater. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section.

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(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which under subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid under subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of

the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.

(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.

6. State aid shall be determined as follows:

District Entitlement

1(a). Number of eligible pupils x (lesser of district's equalized operating levy for school purposes or two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP) . . . . .  
 .. \$.....

1(b). Number of eligible pupils x (greater of: 0, or district's equalized operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP) . . . . .  
 \$.....

Deductions

2. District equalized assessed valuation x district income factor x district's equalized operating levy for school purposes plus ninety percent of any payment received the current year of protested taxes due in prior

years no earlier than the 1997 tax year minus  
the amount of any protested taxes due in the  
current year and for which notice of protest  
was received during the current year .....

\$.....

3. Intangible taxes, fines, forfeitures,  
escheats, payments in lieu of taxes, etc.  
(100% of the amount received the  
previous year for school purposes) .....

\$.....

4. Receipts from state assessed railroad and  
utility tax (100% of the amount received  
the previous year for school purposes) .....

\$.....

5. Receipts from federal properties pursuant  
to sections 12.070 and 12.080, RSMo (100%  
of the amount received the previous year  
for school purposes) .....

\$.....

6. (Federal impact aid received the previous  
year for school purposes pursuant to  
P.L. 81-874 less \$50,000) x 90% or the  
maximum percentage allowed by federal  
regulations if less than 90% .....

\$.....

7. Fifty percent or the percentage otherwise  
provided in section 163.087 of Proposition  
C receipts from the school district trust  
fund received the previous year for school  
purposes pursuant to section 163.087 .....

\$.....

8. One hundred percent of the amount received  
the previous year for school purposes from  
the fair share fund pursuant to section  
149.015, RSMo .....

\$.....

9. One hundred percent of the amount received  
the previous year for school purposes  
from the free textbook fund pursuant to

- section 148.360, RSMo . . . . .  
\$.....
10. Total deductions (sum of lines 2-9) . . . . .  
\$.....
- Categorical Add-ons
11. The amount distributed pursuant to section  
163.161 x proration . . . . .  
\$.....
12. Special education approved or allowed cost  
entitlement for the district pursuant  
to section 162.975, RSMo, x proration . . . . .  
\$.....
13. Seventy-five percent of the gifted education  
approved or allowable cost entitlement as  
determined pursuant to section 162.975,  
RSMo, x proration . . . . .  
\$.....
- 14(a). Free and reduced lunch eligible pupil count  
for the district, as defined in section  
163.011, x .20, if operating levy in excess  
of \$2.75, or .22, otherwise x GTB per EP x  
\$2.75 per \$100 AV x proration . . . . .  
\$.....
- 14(b). Free and reduced lunch eligible pupil count  
for the district, as defined in section  
163.011 x .30 x GTB x ((the greater of zero  
or the district's adjusted operating levy  
minus \$2.75 per \$100 AV) x (1.0 or, beginning  
in the fifth year following the effective  
date of this section, the district's FIRE for  
the prior year/statewide average FIRE for  
FY 1998, if the district's prior year FIRE is  
at least five percent below the FY 1998  
statewide average FIRE) x proration) -  
court-ordered state desegregation aid received  
by the district for operating purposes . . . . .  
\$.....
15. Career ladder entitlement for the district  
as provided for in sections 168.500 to
-

- 168.515, RSMo, x proration . . . . .  
 \$.....
16. Vocational education entitlements for the  
 district as provided in section 167.332,  
 RSMo, x proration . . . . .  
 \$.....
17. Educational and screening program entitlements  
 for the district as provided in sections  
 178.691 to 178.699, RSMo, x proration . . . . .  
 \$.....
18. Sum of categorical add-ons for the district  
 (sum of lines 11-17) . . . . .  
 \$.....
19. District apportionment (line 18 plus the  
 greater of line 1 minus line 10 or zero) . . . . .  
 \$.....

7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.

8. In addition to the penalty for line 14 described in subsection 6 of this section, beginning in school year 2004-05, any increase in a school district's funds received pursuant to line 14 of subsection 6 of this section over the 1997-98 school year shall be reduced by one percent for each full percentage point the percentage of the district's pupils scoring at or above five percent below the statewide average level on either mathematics or reading is less than sixty-five percent.

9. If a school district's annual audit discloses that students were inappropriately identified as eligible for free or reduced-price lunch and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of line 14 aid paid on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of the line 14 aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.

**165.011. TUITION — ACCOUNTING OF SCHOOL MONEYS, FUNDS — USES — TRANSFERS TO AND FROM INCIDENTAL FUND, WHEN — EFFECT OF UNLAWFUL TRANSFERS.** — 1. The following funds are created for the

accounting of all school moneys: teachers' fund, incidental fund, free textbook fund, capital projects fund and debt service fund. The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under sections 162.975, RSMo, and 163.031, RSMo, and all other moneys received from the state except as herein provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the district board of education. The portion of state aid received by the district pursuant to section 163.031, RSMo, based upon the portion of the tax rate in the debt service or capital projects fund, respectively, which is included in the operating levy for school purposes pursuant to section 163.011, RSMo, shall be placed to the credit of the debt service fund or capital projects fund, respectively. Money received from other districts for transportation, and money derived from taxation for incidental expenses shall be credited to the incidental fund. Money apportioned for free textbooks shall be credited to the free textbook fund. All money derived from taxation or received from any other source for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the payment of lease-purchase obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other buildings of any kind, or school furniture, from insurance, from sale of bonds other than refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings and equipment by a school district as authorized under section 177.088, RSMo, shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund which shall be maintained as a separate bank account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes, except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received

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from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

2. The school board may expend from the incidental fund the sum that is necessary for the ordinary repairs of school property and an amount not to exceed the sum of expenditures for classroom instructional capital outlay, as defined by the department of elementary and secondary education by rule, in state-approved area vocational-technical schools and .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year for classroom instructional capital outlay, including but not limited to payments authorized pursuant to section 177.088, RSMo. Any and all payments authorized under section 177.088, RSMo, except as otherwise provided in this subsection, for the purchase or lease of sites, buildings, facilities, furnishings and equipment and all other expenditures for capital outlay shall be made from the capital projects fund. If a balance remains in the free textbook fund after books are furnished to pupils as provided in section 170.051, RSMo, it shall be transferred to the teachers' fund. The board may transfer the portion of the balance remaining in the incidental fund to the teachers' fund that is necessary for the total payment of all contracted obligations to teachers. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance remains in the bond proceeds after completion of the project for which the bonds were issued, the balance shall be transferred from the incidental or capital projects fund to the debt service fund. After making all placements of interest otherwise provided by law, a school district may transfer from the capital projects fund to the incidental fund the interest earned from undesignated balances in the capital projects fund. **All other sections of the law notwithstanding, a school district may transfer from the incidental fund to the capital projects fund an amount equal to the capital expenditures for school safety and security purposes.** A school district may borrow from one of the following funds: teachers' fund, incidental fund or capital projects fund, as necessary to meet obligations in another of those funds; provided that the full amount is repaid to the lending fund within the same fiscal year.

3. Tuition shall be paid from either the teachers' or incidental funds.

4. Other provisions of law to the contrary notwithstanding, the school board of a school district that satisfies the criteria specified in subsection 5 of this section may transfer from the incidental fund to the capital projects fund an amount not to exceed the greater of zero or the sum of .18 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year and the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year and any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools and an amount not to exceed .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year less any amount transferred pursuant to subsection 7 of this section, provided that any amount transferred pursuant to this subsection shall only be transferred as necessary to satisfy obligations of the capital projects fund less any amount expended from the incidental fund for classroom instructional capital outlay pursuant to subsection 2 of this section. For the purposes of this subsection, the guaranteed tax base and a district's count of resident and nonresident eligible pupils educated in the district shall not be less than their respective values calculated from data for the 1992-93 school year.

5. In order to transfer funds pursuant to subsection 4 of this section, a school district shall:

(1) Meet the minimum criteria for state aid and for increases in state aid for the current year established pursuant to section 163.021, RSMo;

(2) Not incur a total debt, including short-term debt and bonded indebtedness in excess of ten percent of the guaranteed tax base for the preceding payment year multiplied by the number of resident and nonresident eligible pupils educated in the district in the preceding year;

(3) Set tax rates pursuant to section 164.011, RSMo;

(4) First apply any voluntary rollbacks or reductions to the total tax rate levied to the teachers' and incidental funds;

(5) In order to be eligible to transfer funds for paying lease purchase obligations:

(a) Incur such obligations, except for obligations for lease purchase for school buses, prior to January 1, 1997;

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- (b) Limit the term of such obligations to no more than twenty years;
- (c) Limit annual installment payments on such obligations to an amount no greater than the amount of the payment for the first full year of the obligation, including all payments of principal and interest, except that the amount of the final payment shall be limited to an amount no greater than two times the amount of such first-year payment;
- (d) Limit such payments to leasing nonathletic, classroom, instructional facilities as defined by the state board of education through rule; and
- (e) Not offer instruction at a higher grade level than was offered by the district on July 12, 1994.

6. A school district shall be eligible to transfer funds pursuant to subsection 7 of this section if:

- (1) Prior to August 28, 1993:
  - (a) The school district incurred an obligation for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo;
  - (b) The school district notified the appropriate local election official to place an issue before the voters of the district for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo; or
  - (c) An issue for funding payments under a lease purchase contract authorized under section 177.088, RSMo, was approved by the voters of the district; or
- (2) Prior to November 1, 1993, a school board adopted a resolution authorizing an action necessary to comply with subsection 9 of section 177.088, RSMo. Any increase in the operating levy of a district above the 1993 tax rate resulting from passage of an issue described in paragraph (b) of subdivision (1) of this subsection shall be considered as part of the 1993 tax rate for the purposes of subsection 1 of section 164.011, RSMo.

7. Prior to transferring funds pursuant to subsection 4 of this section, a school district may transfer, pursuant to this subsection, from the incidental fund to the capital projects fund an amount as necessary to satisfy an obligation of the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, but not to exceed its payments authorized under section 177.088, RSMo, for the purchase or lease of sites, buildings, facilities, furnishings, equipment, and all other expenditures for capital outlay, plus the amount to be expended for transportation equipment that is considered an allowable

cost under state board of education rules for transportation reimbursements during the current year plus any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools. A school district with a levy for school purposes no greater than the minimum levy specified in section 163.021, RSMo, and an obligation in the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, may transfer from the incidental fund to the capital projects fund the amount necessary to meet the obligation plus the transfers pursuant to subsection 4 of this section.

8. Beginning in the 1995-96 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031, RSMo, an amount equal to the amount of any transfer of funds from the incidental fund to the capital projects fund performed during the previous year in violation of this section; except that the state aid shall be deducted in equal amounts over the five school years following the school year of an unlawful transfer provided that:

(1) The district shall provide written notice to the state board of education, no later than June first of the first school year following the school year of the unlawful transfer, stating the district's intention to comply with the provisions of subdivisions (1) to (4) of this subsection and have state aid deducted for that unlawful transfer over a five-year period;

(2) On or before September first of the second school year following the school year of the unlawful transfer, the district shall approve an increase to the district's operating levy for school purposes to the greater of: two dollars and seventy-five cents per one hundred dollars assessed valuation or the levy which produces an increase in total state and local revenues, as determined by the department, in comparison to the first school year following the school year of the unlawful transfer which is equal to or greater than the amount of state aid to be deducted pursuant to this subsection each school year for such unlawful transfer, provided that increases required pursuant to this subdivision for subsequent unlawful transfers shall be made in comparison to the latter tax rate described in this subdivision;

(3) During each school year after the school year in which the operating levy is increased pursuant to subdivision (2) of this subsection and in which state aid is deducted pursuant to subdivisions (1) to (4) of this subsection, the district shall maintain an operating levy for school

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purposes which produces total state and local revenues for the district which are no less than the total state and local revenues produced by the levy required pursuant to subdivision (2) of this subsection;

(4) During each school year state aid is deducted pursuant to subdivisions (1) to (4) of this subsection except for the 1998-99 school year, the district shall maintain compliance with the requirements of section 165.016 without any recourse to waivers or base-year adjustments and without the option to demonstrate compliance based upon the district's fund balances; and

(5) If, in any school year state aid is deducted pursuant to subdivisions (1) to (4) of this subsection, the district fails to comply with any requirement of subdivisions (1) to (4) of this subsection, the full, remaining amount of state aid to be deducted pursuant to this subsection shall be deducted from the district's state aid payments by the department during such school year.

9. On or before June 30, 1999, a school district may transfer to the capital projects fund from the balances of the teachers' and incidental funds any amount, but only to the extent that the amount transferred is equal to or less than the amount that the teachers' and incidental funds' unrestricted balances on June 30, 1995, exceeded eight percent of expenditures from the teachers' and incidental funds for the year ending June 30, 1995.

10. (1) Other provisions of law to the contrary notwithstanding, a school district which satisfies all conditions specified in subdivision (2) of this subsection may make the transfer allowed in subdivision (3) of this subsection.

(2) To make the transfer allowed under subdivision (3) of this subsection, a school district shall:

(a) Have a membership count for school year 1997-98 which is at least sixteen percent greater than the district's membership count for the 1991-92 school year; and

(b) Have passed a full waiver of Proposition C tax rate rollback pursuant to section 164.013, RSMo, or approved an increase to the district's tax rate ceiling on or after June 1, 1994; and

(c) Be in compliance or have paid all penalties required pursuant to section 165.016 for the 1994-95, 1995-96 and 1996-97 school years without waiver or adjustment of the base school year certificated salary percentage; and

(d) After all transfers, have a remaining balance on June 30, 1998, in the combined teachers' and incidental funds which is no less than ten

percent of the combined expenditures from those funds for the 1997-98 school year.

(3) A district which satisfies all of the criteria specified in paragraphs (a) to (d) of subdivision (2) of this subsection may, on or before June 30, 1998, make a one-time combined transfer from the teachers' and incidental funds to the capital projects fund of an amount no greater than the sum of the following amounts:

(a) The product of the district's equalized assessed valuation for 1994 times the difference of the district's equalized operating levy for school purposes for 1994 minus the district's equalized operating levy for school purposes for 1993;

(b) The product of the district's equalized assessed valuation for 1995 times the difference of the district's equalized operating levy for school purposes for 1995 minus the district's equalized operating levy for school purposes for 1993;

(c) The product of the district's equalized assessed valuation for 1996 times the difference of the district's equalized operating levy for school purposes for 1996 minus the district's equalized operating levy for school purposes for 1993;

(d) The product of the district's equalized assessed valuation for 1997 times the difference of the district's equalized operating levy for school purposes for 1997 minus the district's equalized operating levy for school purposes for 1993; provided that the remaining balance in the incidental fund shall be no less than twelve percent of the total expenditures during that fiscal year from the incidental fund.

(4) A district which makes a transfer pursuant to subdivision (3) of this subsection shall be subject to compliance with the requirements of section 165.016 for fiscal years 1999, 2000 and 2001, without the option to request a waiver or an adjustment of the base school year certificated salary percentage.

(5) Other provisions of section 165.016 to the contrary notwithstanding, the transfer of an amount of funds from either the teachers' or incidental funds to the capital projects fund pursuant to subdivision (3) of this subsection shall not be considered an expenditure from the teachers' or incidental fund for the purpose of determining compliance with the provisions of subsections 1 and 2 of section 165.016.

11. In addition to other transfers authorized under subsections 1 to 9 of this section, a district may transfer from the teachers' and incidental funds to the capital projects fund the amount necessary to repay costs of

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one or more guaranteed energy savings performance contracts to renovate buildings in the school district; provided that the contract is only for energy conservation measures, as defined in section 640.651, RSMo, and provided that the contract specifies that no payment or total of payments shall be required from the school district until at least an equal total amount of energy and energy-related operating savings and payments from the vendor pursuant to the contract have been realized by the school district.

**165.016. AMOUNT TO BE SPENT ON TUITION, RETIREMENT AND COMPENSATION — BASE SCHOOL YEAR CERTIFICATED SALARY PERCENTAGE — EXEMPTION AND REVISION — PENALTY.—**1. A school district shall expend as a percentage of current operating cost, for tuition, teacher retirement and compensation of certificated staff, a percentage that is for the 1994-95 and 1995-96 school years, no less than three percentage points less than the base school year certificated salary percentage and for the 1996-97 school year, no less than two percentage points less than the base school year certificated salary percentage. A school district may exclude transportation **and school safety and security** expenditures from the current operating cost calculation of the base year and the year or years for which the compliance percentage is calculated. The base school year certificated salary percentage shall be the two-year average percentage of the 1991-92 and 1992-93 school years except as otherwise established by the state board under subsection 4 of this section; except that, for any school district experiencing, over a period of three consecutive years, an average yearly increase in average daily attendance of at least three percent, the base school year certificated salary percentage may be the two-year average percentage of the last two years of such period of three consecutive years, at the discretion of the school district.

2. Beginning with the 1997-98 school year, a school district shall:

(1) Expend, as a percentage of current operating cost, as determined in subsection 1 of this section, for tuition, teacher retirement and compensation of certificated staff, a percentage that is no less than two percentage points less than the base school year certificated salary percentage; or

(2) For any year in which no payment of a penalty is required for the district under subsection 6 of this section, have an unrestricted fund balance in the combined incidental and teachers' funds on June thirtieth

which is equal to or less than ten percent of the combined expenditures for the year from those funds.

3. Beginning with the 1999-2000 school year:

(1) As used in this subsection, "fiscal instructional ratio of efficiency" or "FIRE" means the quotient of the sum of the district's current operating costs, as defined in section 163.011, RSMo, for all kindergarten through grade twelve direct instructional and direct pupil support service functions plus the costs of improvement of instruction and the cost of purchased services and supplies for operation of the facilities housing those programs, and excluding student activities, divided by the sum of the district's current operating cost for kindergarten through grade twelve, plus all tuition revenue received from other districts minus all noncapital transportation **and school safety and security** costs;

(2) A school district shall show compliance with this section in school year 1998-99 and thereafter by the method described in subsections 1 and 2 of this section, or by maintaining or increasing its fiscal instructional ratio of efficiency compared to its FIRE for the 1997-98 base year.

4. (1) The state board of education may exempt a school district from the requirements of this section upon receiving a request for an exemption by a school district. The request shall show the reason or reasons for the noncompliance, and the exemption shall apply for only one school year. Requests for exemptions under this subdivision may be resubmitted in succeeding years;

(2) A school district may request of the state board a one-time, permanent revision of the base school year certificated salary percentage. The request shall show the reason or reasons for the revision.

5. Any school district requesting an exemption or revision under subsection 4 of this section must notify the certified staff of the district in writing of the district's intent. Prior to granting an exemption or revision, the state board shall consider comments from certified staff of the district. The state board decision shall be final.

6. Any school district which is determined by the department to be in violation of the requirements of subsection 1 or 2 of this section, or both, shall compensate the building level administrative staff and nonadministrative certificated staff during the year following the notice of violation by an additional amount which is equal to one hundred ten percent of the amount necessary to bring the district into compliance with this section for the year of violation. In any year in which a penalty is

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paid, the district shall pay the penalty specified in this subsection in addition to the amount required under this section for the current school year.

7. Any additional transfers from the teachers' or incidental funds to the capital projects funds beyond the transfers authorized by state law and state board policy in effect on January 1, 1996, shall be considered expenditures from the teachers' or incidental fund for the purpose of determining compliance with the provisions of subsections 1, 2 and 3 of this section.

8. The provisions of this section shall not apply to any district receiving state aid pursuant to subsection 6 of section 163.031, RSMo, based on its 1992-93 payment amount per eligible pupil, which is less than fifty percent of the statewide average payment amount per eligible pupil paid during the previous year.

**167.020. REGISTRATION REQUIREMENTS — RESIDENCY — HOMELESS CHILD DEFINED — RECOVERY OF COSTS, WHEN — RECORDS TO BE REQUESTED, PROVIDED, WHEN.** — 1. As used in this section, the term "homeless child" shall mean a person less than twenty-one years of age who lacks a fixed, regular and adequate nighttime residence, including a child who:

(1) Is living on the street, in a car, tent, abandoned building or some other form of shelter not designed as a permanent home;

(2) Is living in a community shelter facility;

(3) Is living in transitional housing for less than one full year.

2. In order to register a pupil, the parent or legal guardian of the pupil or the pupil himself or herself shall provide, at the time of registration, one of the following:

(1) Proof of residency in the district. Except as otherwise provided in section 167.151, the term "residency" shall mean that a person both physically resides within a school district and is domiciled within that district. The domicile of a minor child shall be the domicile of a parent, **military guardian pursuant to a military-issued guardianship** or court-appointed legal guardian; or

(2) Proof that the person registering the student has requested a waiver under subsection 3 of this section within the last forty-five days. In instances where there is reason to suspect that admission of the pupil will create an immediate danger to the safety of other pupils and employees of the district, the superintendent or the superintendent's

designee may convene a hearing within three working days of the request to register and determine whether or not the pupil may register.

3. Any person subject to the requirements of subsection 2 of this section may request a waiver from the district board of any of those requirements on the basis of hardship or good cause. Under no circumstances shall athletic ability be a valid basis of hardship or good cause for the issuance of a waiver of the requirements of subsection 2 of this section. The district board shall convene a hearing as soon as possible, but no later than forty-five days after receipt of the waiver request made under this subsection or the waiver request shall be granted. The district board may grant the request for a waiver of any requirement of subsection 2 of this section. The district board may also reject the request for a waiver in which case the pupil shall not be allowed to register. Any person aggrieved by a decision of a district board on a request for a waiver under this subsection may appeal such decision to the circuit court in the county where the school district is located.

4. Any person who knowingly submits false information to satisfy any requirement of subsection 2 of this section is guilty of a class A misdemeanor.

5. In addition to any other penalties authorized by law, a district board may file a civil action to recover, from the parent, **military guardian** or legal guardian of the pupil, the costs of school attendance for any pupil who was enrolled at a school in the district and whose parent, **military guardian** or legal guardian filed false information to satisfy any requirement of subsection 2 of this section.

6. Subsection 2 of this section shall not apply to a pupil who is a homeless child or a pupil attending a school not in the pupil's district of residence as a participant in an interdistrict transfer program established under a court-ordered desegregation program, a pupil who is a ward of the state and has been placed in a residential care facility by state officials, a pupil who has been placed in a residential care facility due to a mental illness or developmental disability, a pupil attending a school pursuant to sections 167.121 and 167.151, a pupil placed in a residential facility by a juvenile court, a pupil with a disability identified under state eligibility criteria if the student is in the district for reasons other than accessing the district's educational program, or a pupil attending a regional or cooperative alternative education program or an alternative education program on a contractual basis.

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7. Within [forty-eight hours] **two business days** of enrolling a pupil, the school official enrolling a pupil, including any special education pupil, shall request those records required by district policy for student transfer and those discipline records required by subsection 7 of section 160.261, RSMo, from all schools previously attended by the pupil within the last twelve months. Any school district that receives a request for such records from another school district enrolling a pupil that had previously attended a school in such district shall respond to such request within five business days of receiving the request. [Other than according to the provisions of subsection 2 of section 160.261, RSMo, or in response to a subpoena in a pending civil or criminal action, no personally identifiable student records, however maintained, shall be made available to:

(1) Any person who is not employed by the school district or another school district; or

(2) Any governmental entity other than a school district or juvenile or family court, unless the school district has obtained within the current school year and has on file prior written permission of the parent, guardian or other custodian of a student under the age of eighteen or by the student if the student is eighteen years of age or older, and no personally identifiable student records, shall be made available until after the parent, guardian, or the student, if eighteen years of age or older, has been notified and provided a period of at least three working days within which to view such records. Any person found in violation of this subsection is guilty of a class B misdemeanor. Whenever any school entity fails to comply with these provisions, a parent may bring a civil action against the school district for attorney fees, litigation costs and damages. The state board of education shall establish rules to ensure the enforcement of the provisions of this subsection. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **School districts may report or disclose education records to law enforcement and juvenile justice authorities if the disclosure concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section 1232g (b)(1)(E).**

**167.023. AFFIDAVIT OF EXPULSION FOR CERTAIN OFFENSES  
REQUIRED FOR STUDENT ADMISSION — FALSE STATEMENTS, PENALTY.**

—Prior to admission to any public school, a school board may require the parent, guardian, or other person having control or charge of a child of school age to provide, upon enrollment, a sworn statement or affirmation indicating whether the student has been expelled from school attendance at any school, **public or private**, in this state or in any other state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. Any person making a materially false statement or affirmation shall be guilty upon conviction of a class B misdemeanor. The registration document shall be maintained as a part of the student's scholastic record.

**167.115. JUVENILE OFFICER OR OTHER LAW ENFORCEMENT  
AUTHORITY TO REPORT TO SUPERINTENDENT, WHEN, HOW —  
SUPERINTENDENT TO REPORT CERTAIN ACTS, TO WHOM — NOTICE OF  
SUSPENSION OR EXPULSION TO COURT — SUPERINTENDENT TO  
CONSULT.**— 1. Notwithstanding any provision of chapter 211, RSMo, or chapter 610, RSMo, to the contrary, the juvenile officer, **sheriff, chief of police, or other appropriate law enforcement authority** shall, as soon as reasonably practical, notify the superintendent, or the superintendent's designee, of the school district in which the pupil is enrolled when a petition is filed pursuant to subsection 1 of section 211.031, RSMo, alleging that the pupil has committed one of the following acts:

- (1) First degree murder under section 565.020, RSMo;
  - (2) Second degree murder under section 565.021, RSMo;
  - (3) Kidnapping under section 565.110, RSMo;
  - (4) First degree assault under section 565.050, RSMo;
  - (5) Forcible rape under section 566.030, RSMo;
  - (6) Forcible sodomy under section 566.060, RSMo;
  - (7) Burglary in the first degree under section 569.160, RSMo;
  - (8) Robbery in the first degree under section 569.020, RSMo;
  - (9) Distribution of drugs under section 195.211, RSMo;
  - (10) Distribution of drugs to a minor under section 195.212, RSMo;
  - (11) Arson in the first degree under section 569.040, RSMo;
  - (12) Voluntary manslaughter under section 565.023, RSMo;
  - (13) Involuntary manslaughter under section 565.024, RSMo;
  - (14) Second degree assault under section 565.060, RSMo;
  - (15) Sexual assault under section 566.040, RSMo;
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- (16) Felonious restraint under section 565.120, RSMo;
- (17) Property damage in the first degree under section 569.100, RSMo; [or]
- (18) The possession of a weapon under chapter 571, RSMo;
- (19) Child molestation in the first degree pursuant to section 566.067, RSMo;**
- (20) Deviate sexual assault pursuant to section 566.070, RSMo;**
- (21) Sexual misconduct involving a child pursuant to section 566.083, RSMo; or**
- (22) Sexual abuse pursuant to section 566.100.**

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of any victim. **Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.**

3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purpose of assuring that good order and discipline is maintained in the school. This information shall not be used as the sole basis for not providing educational services to a **public school** pupil.

4. The superintendent shall notify the appropriate division of the juvenile or family court upon any pupil's suspension for more than ten days or expulsion of any pupil that the school district is aware is under the jurisdiction of the court.

5. The superintendent or the superintendent's designee may be called to serve in a consultant capacity at any dispositional proceedings pursuant to section 211.031, RSMo, which may involve reference to a pupil's academic treatment plan.

**6. Upon the transfer of any pupil described in this section to any other school district in this state, the superintendent or the superintendent's designee shall forward the written notification**

given to the superintendent pursuant to subsection 2 of this section to the superintendent of the new school district in which the pupil has enrolled. Such written notification shall be required again in the event of any subsequent transfer by the pupil.

7. As used in this section, the terms "school" and "school district" shall include any charter, private or parochial school or school district, and the term "superintendent" shall include the principal or equivalent chief school officer in the cases of charter, private or parochial schools.

8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261, RSMo, shall not be civilly liable for providing such information.

**167.117. PRINCIPAL, TEACHERS, SCHOOL EMPLOYEES TO REPORT CERTAIN ACTS, TO WHOM, EXCEPTIONS — LIMIT ON LIABILITY — PENALTY.**— 1. In any instance when any person is believed to have committed an act which if committed by an adult would be assault in the first, second or third degree, sexual assault, or deviate sexual assault against a pupil or school employee, while on school property, including a school bus in service on behalf of the district, or while involved in school activities, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent, except in any instance when any person is believed to have committed an act which if committed by an adult would be assault in the third degree and a written agreement as to the procedure for the reporting of such incidents of third degree assault has been executed between the superintendent of the school district and the appropriate local law enforcement agency, the principal shall report such incident to the appropriate local law enforcement agency in accordance with such agreement.

2. In any instance when a pupil is discovered to have on or about such pupil's person, or among such pupil's possessions, or placed elsewhere on the school premises, **including but not limited to the school playground or the school parking lot, on a school bus or at a school activity whether on or off of school property** any controlled substance as defined in section 195.010, RSMo, or any weapon as defined in subsection 4 of section 160.261, RSMo, in violation of school policy, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent.

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3. In any instance when a teacher becomes aware of an assault as set forth in subsection 1 of this section or finds a pupil in possession of a weapon or controlled substances as set forth in subsection 2 of this section, the teacher shall immediately report such incident to the principal.

4. A school employee, superintendent or such person's designee who in good faith provides information to [police under subsection 1 or 2 of] **law enforcement or juvenile authorities pursuant to this section or section 160.261, RSMo**, shall not be civilly liable for providing such information.

5. Any school official responsible for reporting pursuant to this section or section 160.261, RSMo, who willfully neglects or refuses to perform this duty shall be subject to the penalty established pursuant to section 162.091, RSMo.

**167.171. SUMMARY SUSPENSION OF PUPIL — APPEAL — GROUNDS FOR SUSPENSION — PROCEDURE — CONFERENCE REQUIRED, WHEN — STATEWIDE SUSPENSION, WHEN.**— 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

(1) The pupil shall be given oral or written notice of the charges against such pupil;

(2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;

(3) The pupil shall be given an opportunity to present such pupil's version of the incident; and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261, RSMo, [or suspended or expelled pursuant to this section or section 167.161] **regardless of whether or not such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school,** or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that **school or** district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular program of instruction if:

(1) Such pupil has been convicted of; or

(2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or

(3) A petition has been filed pursuant to section 211.091, RSMo, alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or

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(4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:

- (a) First degree murder under section 565.020, RSMo;
- (b) Second degree murder under section 565.021, RSMo;
- (c) First degree assault under section 565.050, RSMo;
- (d) Forcible rape under section 566.030, RSMo;
- (e) Forcible sodomy under section 566.060, RSMo;
- (f) Robbery in the first degree under section 569.020, RSMo;
- (g) Distribution of drugs to a minor under section 195.212, RSMo;
- (h) Arson in the first degree under section 569.040, RSMo;
- (i) Kidnapping, when classified as a class A felony under section 565.110, RSMo.

Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another **in-state or out- of-state** school district **including a private, charter or parochial school or school district**, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court-appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another **school or** district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the

school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll.

**170.250. VIDEO INSTRUCTIONAL DEVELOPMENT AND EDUCATIONAL OPPORTUNITY PROGRAM, ESTABLISHED, PURPOSE — FUND ESTABLISHED, USES — ADVISORY COMMITTEE, MEMBERS, EXPENSES — ADMINISTRATION OF PROGRAM GRANTS — HEALTH CARE PROVIDERS TO BE FURNISHED COURSES, WHEN — AVAILABILITY OF INSTRUCTIONAL PROGRAMS — LOCAL TELEPHONE COMPANY, TARIFF FILING, PROVISION OF SERVICE, RATES.** — 1. The "Video Instructional Development and Educational Opportunity Program" is established to encourage all educational institutions in Missouri to supplement educational opportunities through telecommunications technology and satellite broadcast instruction. The program established by this section is to be administered by the state board of education. The program shall consist of:

(1) Grants to local school districts, state-supported institutions of higher education and public television stations as defined in section 37.205, RSMo, for equipment and instruction;

(2) Instructional programs developed pursuant to this section and transmitted through the airwaves, over telephones lines, or by cable television which are available for all residents of this state without charge as defined in this section; and

(3) Instructional programs developed pursuant to this section which are available to any subscriber according to this section.

2. The "Video Instructional Development and Educational Opportunity Fund" is established in the state treasury and shall be administered by the department of elementary and secondary education at the direction of the state board of education. Moneys deposited in the fund shall consist of revenues generated from state sales and use tax revenues as provided in chapter 144, RSMo, on the rental of films, records or any type of sound or picture transcriptions as provided in subsection 3 of this section **and shall include four million dollars transferred to the fund annually.** Moneys in the fund shall be used solely for purposes established by this section[, except that the department of revenue shall retain no more than one percent of sales tax revenues collected for its administrative costs and all administrative costs of this program incurred by the department of elementary and secondary education shall be paid from this fund, which costs shall not exceed two percent. The administrative fees of the department of revenue and the

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department of elementary and secondary education shall be determined annually in the appropriation process. Any unexpended balance in the fund at the end of a fiscal year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.

3. Until December 31, 1994, the commissioner of administration shall annually estimate and furnish to the director of the department of revenue the appropriate amount of state tax revenues collected pursuant to chapter 144, RSMo, which are directly attributable to the rental of films, records or any type of sound or picture transcriptions. However, the estimate shall only include state sales and use tax revenues collected pursuant to chapter 144, RSMo, which are normally deposited in the state general revenue fund. The director of revenue shall transfer from state sales tax revenues an amount equal to the estimate to the fund provided in subsection 2 of this section. After December 31, 1994, the seller shall separately report on the return to the department of revenue, the aggregate amount of the gross receipts and the amount of tax collected on the rental of films, records or any type of sound or picture transcriptions. The director of revenue shall annually transfer state sales tax revenues collected on the rental of films, records or other type of sound or picture transcriptions, except revenues allocated to the school district trust fund pursuant to section 144.701, RSMo, to the video instructional development and educational opportunity fund].

[4.] 3. Within the department of elementary and secondary education, there is established an advisory committee which shall make recommendations to the state board of education on the grant program. The committee shall be composed of twenty-nine members. The members of the committee shall consist of one representative of public television stations as defined in section 37.205, RSMo, and one representative of the cable television industry appointed by the state board of education, one representative of public television stations as defined in section 37.205, RSMo, and one representative of the cable television industry appointed by the coordinating board for higher education, three classroom teachers from the elementary and secondary level appointed by the state board of education, three school administrators of elementary or secondary schools appointed by the state board of education, three members of school boards of local public school districts appointed by the state board of education, four representatives from public community college districts appointed by the coordinating board for higher education, four representatives of

state-supported institutions of higher education other than community colleges appointed by the coordinating board for higher education, one representative of the regional consortium for education and technology appointed by the state board of education, one representative of the cooperating school districts of the St. Louis suburban area appointed by the state board of education, two representatives of the public appointed by the governor with the advice and consent of the senate, two members of the senate appointed by the senate president pro tem and two members of the house of representatives appointed by the speaker of the house of representatives. Of all members appointed by the state board of education, no more than four shall be from any one congressional district and of all the members appointed by the coordinating board for higher education, no more than four shall be from any one congressional district. The members of the committee shall serve three-year terms and shall not serve more than two terms consecutively. However, committee members having served two consecutive terms may be reappointed after leaving the committee for at least one three-year term. On August 28, 1992, the committee shall designate nine of its members to serve a term of one year, ten of its members to serve a term of two years, and ten of its members to serve a term of three years. All subsequent appointments shall be for three years. All members shall receive no compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred while serving on the committee out of funds appropriated for that purpose. The committee shall meet at least quarterly and shall annually issue a report together with its recommendations to the state board of education and the general assembly.

[5.] 4. The state board of education may cooperate with existing programs including the University of Missouri, other institutions of higher education, the cooperating school districts of the St. Louis suburban area, or its successor organization, the regional consortium for education and technology or its successor organization, and any statewide organization of public school governing boards and may delegate or contract for the performance or operation of the respective grant programs. The state board of education shall establish appropriate guidelines for participation by the aforementioned entities and by school districts, community college districts, and public television stations as defined in section 37.205, RSMo, in the grant program. Such guidelines shall include application procedures and shall establish policies for awarding grants in the event that more grant applications are received

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than are funds available to honor the applications in any fiscal year. In allocating funds to applicants, the state board of education may give due consideration to revenues available from all other sources. The state board of education shall accredit courses offered through this program at the elementary and secondary education level. The coordinating board for higher education shall approve courses taught at the postsecondary level.

[6.] 5. In any fiscal year, moneys in the fund shall be used first to ensure that any and all school districts, community college districts and state institutions of higher education seeking aid under this program shall receive telecommunications equipment including computers and modems necessary to participate in the satellite learning process or instructional television video; second to provide the school districts, community college districts and state institutions of higher education with access to subjects at the advanced level or the remedial level or which are not taught in the schools of the district or the service area or campus, which subjects shall include courses in continuing education necessary for maintenance or renewal of licenses for all such licensed health care providers; and third to provide enrichment classes for all pupils of the district. However, the state board of education may set aside a portion of the funds to be used to contract with state-supported institutions of higher education and public television stations as defined in section 37.205, RSMo, to develop instructional programs for grades kindergarten through twelve and for undergraduate and graduate course work suitable for broadcast to the school districts, community college districts and state institutions of higher education as appropriate and to develop the capability to transmit programs cited in this section.

[7.] 6. Participation by a local school district, a community college district or a state institution of higher education in the program established by this section shall be voluntary. No school district, community college district or state institution of higher education receiving funds under this program shall use those funds for any purpose other than that for which they were intended. Any school district, community college district or state institution of higher education shall be eligible to receive funds under this program regardless of its curriculum, local wealth or previous contractual arrangements to receive satellite broadcast instruction.

[8.] 7. The office of administration on behalf of the state of Missouri may contract with institutions of higher education for the development or operation or both of state employee training programs transmitted by telecommunications technology.

[9.] **8.** Instructional programs developed pursuant to this section which are transmitted one way through the airwaves or by cable television shall be available to all residents of this state without charge or fee to the extent permitted by the Missouri Constitution. "Without charge or fee" shall not require the providing of equipment to transmit or receive telecommunications instruction or the providing of commercial cable television service. If the instructional program involves two-way, interactive communication between the instructor and the participant, the district or institution operating the program may prescribe academic prerequisites and limit the number of persons who may enroll in the specific program and give preference to residents of the district or institutional attendance area who are age twenty-one or younger but shall not discriminate against any resident on any other basis. A fee may be charged which shall be paid directly by the individual participant, but the fee shall be equal for all participants. If a subscription fee is charged by the originator of the program, the district or institution may pay the subscription fee for all participants from the grant pursuant to this section or from any other public or private fund legally authorized to be used for this purpose. Printed materials designed to facilitate or complement telecommunications programs or electronic reproductions thereof may be made available for loan by the school district, community college or institution of higher education through the public library system subject to the normal rules and regulations of the lending system and in such quantities as may be approved by the governing body of the district or institution. Instructional programs which involve two-way, interactive communication between the instructor and the participant shall also be available to any not for profit organization in this state which is exempt from taxation pursuant to subdivision (19) of subsection 2 of section 144.030, RSMo, upon payment of a reasonable subscription fee as determined by the state board of education. Such fees shall be set on a per-participant, per-course basis. The district or institution or the state board of education may make telecommunication equipment available for purchase at cost by or rental to any not for profit organization in this state which is exempt from taxation pursuant to subdivision (19) of subsection 2 of section 144.030, RSMo.

[10.] **9.** (1) In order to facilitate or complement telecommunications, local exchange telecommunications companies shall file with the public service commission tariffs for provision of local service to public school districts, and may file tariffs for provision of local service to accredited primary or secondary schools owned or

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operated by private entities and community college districts located within the local exchange telecommunications companies certified area. Such local exchange telecommunications companies shall seek commission authorization to provide local service at rates lower than those charged for business and residential service in effect when the tariff is filed, provided that the proposed rates may not be below the actual cost of providing the service. Upon approval of the public service commission, the rates shall not be classified as discriminatory for the purposes of chapter 392, RSMo.

(2) The public service commission may approve the tariff as submitted, or may, after hearing, modify the tariff in the public interest. The commission may promulgate rules to aid in the implementation of this section.

**210.865. INFORMATION SYSTEM, TRACKING OF CHILDREN BY COURT AND BY CERTAIN STATE DEPARTMENTS — INFORMATION TO BE CONFIDENTIAL, WHEN. — The juvenile divisions of the circuit courts and the departments of social services, mental health, elementary and secondary education and health shall share information regarding individual children who have come into contact with, or been provided services by, the courts and such departments.** The state courts administrator and the departments of social services, mental health, elementary and secondary education and health shall coordinate their information systems to allow for **sharing of information regarding and** tracking of individual children by the juvenile [court and] **divisions of the circuit courts**, the departments of social services, mental health, elementary and secondary education and health **and school districts**. [This section shall not be interpreted to repeal any existing laws which provide for the confidentiality of information.] **All information received by a court, any department or any school district pursuant to this section shall remain subject to the same confidentiality requirements as are imposed on the department that originally collected the information. With regard to the information required to be shared pursuant to this section, the department of elementary and secondary education shall only share information on students who have committed an act which, if it had been committed by an adult, would be a misdemeanor or felony offense pursuant to the laws of Missouri, other states or the federal government.**

**475.060. APPLICATION FOR GUARDIANSHIP — PETITION FOR GUARDIANSHIP MAY BE LIMITED TO SCHOOL REGISTRATION OR INSURANCE COVERAGE. —**

Any person may file a petition for the appointment of himself or some other qualified person as guardian of a minor or guardian of an incapacitated person. Such petition shall state:

(1) The name, age, domicile, actual place of residence and post-office address of the minor or incapacitated person if known and if any of these facts is unknown, the efforts made to ascertain that fact;

(2) The estimated value of his real and personal property;

(3) If the minor or incapacitated person has no domicile or place of residence in this state, the county in which the property or major part thereof of the minor or incapacitated person is located;

(4) The name and address of the parents of the minor or incapacitated person and whether they are living or dead;

(5) The name and address of the spouse, and the names, ages and addresses of all living children of the minor or incapacitated person;

(6) The name and address of the person having custody of the person of the minor or incapacitated person;

(7) The name and address of any guardian of the person or conservator of the estate of the minor or incapacitated person appointed in this or any other state;

(8) If appointment is sought for a natural person, other than the public administrator, the names and addresses of wards and disabled persons for whom such person is already guardian or conservator;

(9) In the case of an incapacitated person, the fact that the person for whom guardianship is sought is unable by reason of some specified physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness or disease is likely to occur;

(10) The reasons why the appointment of a guardian is sought;

**(11) A petition for the appointment of a guardian of a minor may be filed for the sole and specific purpose of school registration or medical insurance coverage. Such a petition shall clearly set out this limited request and shall not be combined with a petition for conservatorship.**

**475.070. NOTICE OF PETITION FOR APPOINTMENT OF GUARDIAN OR CONSERVATOR FOR A MINOR — SERVICE ON PARENTS OF MINOR NOT REQUIRED, WHEN. —** 1. Before appointing a guardian or

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conservator for a minor, notice of the petition therefor shall be served upon the following unless they have signed such petition or have waived notice thereof:

- (1) The minor, if over fourteen years of age;
- (2) The parents of the minor;
- (3) The spouse of the minor;
- (4) If directed by the court:
  - (a) Any person who has been appointed guardian or any person having care and custody of the minor;
  - (b) Any department, bureau or agency of the United States or of this state or any political subdivision thereof, which makes or awards compensation, pension, insurance or other allowance for the benefit of the ward's estate;
  - (c) Any department, bureau or agency of this state or any political subdivision thereof or any charitable organization of this state, which may be charged with the supervision, control or custody of the minor.

2. If the minor is over fourteen years of age, there shall be personal service upon him if personal service can be had. Service on others may be had in accordance with section 472.100, RSMo.

**3. If a petition for the appointment of a guardian of a minor is filed for the sole and specific purpose of school registration or medical insurance coverage, upon the filing of an affidavit by the petitioner stating that, after due and diligent effort to the best of his or her ability, the whereabouts or identity of either or both parents of the minor remains unknown, the court may proceed with the appointment of such a guardian without having obtained service upon the parents of the minor.**

**569.155. TRESPASS OF A SCHOOL BUS, PENALTY — SCHOOLS TO ESTABLISH STUDENT BEHAVIOR POLICY, WHEN. —** 1. A person commits the crime of trespass of a school bus if he knowingly and unlawfully enters any part of or unlawfully operates any school bus.

2. Trespass of a school bus is a class A misdemeanor.

3. For the purposes of this section, the terms "unlawfully enters" and "unlawfully operates" refer to any entry or operation of a school bus which is not:

- (1) Approved of and established in a school district's written policy on access to school buses; or
- (2) Authorized by specific written approval of the school board.

**4. In order to preserve the public order, any district which adopts the policies described in subsection 3 of this section shall establish and enforce a student behavior policy for students on school buses.**

**571.030. UNLAWFUL USE OF WEAPONS — EXCEPTIONS — PENALTIES.**— 1. A person commits the crime of unlawful use of weapons if he **or she** knowingly:

(1) Carries concealed upon or about his **or her** person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

(6) Discharges a firearm within one hundred yards of any occupied school house, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, [or into any school,] or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, or into any public assemblage of persons met for any lawful purpose; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; **or**

**(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.**

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2. Subdivisions (1), (3), (4), (6), (7), (8) [and], (9) **and (10)** of subsection 1 of this section shall not apply to or affect any of the following:

(1) All state, county and municipal law enforcement officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole; and

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo.

3. Subdivisions (1), (5) [and], (8) **and (10)** of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state.

**Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.**

**4. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school- sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.**

[4.] **5.** Unlawful use of weapons is a class D felony unless committed [under] **pursuant to** subdivision (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, **or subdivision (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded,** or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

[5.] **6.** Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

[6.] **7.** Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

**574.150. MAKING A TERRORISTIC THREAT, PENALTY. — 1. A person commits the crime of making a terroristic threat if such person communicates a threat to commit a felony, a knowingly false**

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report concerning the commission of any felony, or knowingly false report concerning the occurrence of any catastrophe:

(1) For the purpose of frightening or disturbing ten or more people;

(2) For the purpose of causing the evacuation or closure of any building, inhabitable structure, place of assembly or facility of transportation; or

(3) With reckless disregard of the risk of causing the evacuation or closure of any building, inhabitable structure, place of assembly or facility of transportation.

2. Making a terroristic threat is a class C felony unless committed under subdivision (3) of subsection 1 of this section in which case it is a class D felony.

3. As used in this section:

(1) The term "threat" means an express or implied threat but does not include a report made in good faith for the purpose of preventing harm; and

(2) The term "catastrophe" is defined by section 569.070, RSMo.

**SECTION 1. STUDENT SUICIDE PREVENTION PROGRAMS, COMPETITIVE GRANTS, TRAINING, REPORTS, RULES. — 1. Beginning July 1, 2001, the department of elementary and secondary education shall provide a four-year competitive grant program to fund, or defray the cost of, establishment or expansion of student suicide prevention programs. Such programs may also include teacher and administrator training in suicide prevention programs. Such programs may be operated at the district or building level and, if operated, shall be operated at a public elementary or secondary school of this state.**

**2. Prior to July 1, 2001, the department of elementary and secondary education shall promulgate rules including but not limited to eligibility criteria, how applicant priority is established, the manner in which grant funds may or may not be used, proposed methods and documents of cooperation with the host school or school district in the case of nonschool applicants pursuant to subsection 3 of this section, and the form of grant applications.**

**3. Grants for the establishment or expansion of student suicide prevention programs may be applied for by either public schools, school districts, political subdivisions, corporations registered pursuant to the laws of this state, partnerships registered pursuant**

to the laws of this state or not for profit corporations as that term is defined in section 501(c)(3) of the Internal Revenue Code of 1986, as amended. In the case of applicants other than schools or school districts, such applicants shall accompany the grant application with a document of cooperation, approved by the department and signed by either the principal of a public school or by the superintendent of a school district, stating that the school or district shall furnish space and time for such program and stating the manner in which such program will be made available to its students.

4. In its grant application the school, school district, political subdivision, corporation, partnership or not for profit corporation shall describe any current or any proposed suicide prevention program, show a need for an improved suicide prevention program in the case of an existing program, and explain how it proposes to implement or improve its program with grant funds.

5. The grantee pursuant to this section shall make a report on its suicide prevention program after the second year of the grant to receive funds for years three and four. As part of the mid-grant progress report, the grantee shall report the progress of the program's development, as evidenced by the program's compliance with the original stated goals of the program. The department shall develop rules to determine compliance pursuant to this subsection, allowing for flexibility in application to varying grant projects but supplying rigorous standards so that compliance is measurable and meaningful in the context of the individual grant project.

6. Grants are renewable for an additional four-year term, based in part upon the results of the first grant.

7. Grants shall be distributed in equal amounts within geographic areas established proportionately based upon student population; provided that, funds may be reallocated by the department if an area has insufficient applications or insufficient eligible applications to obligate all funds for the area.

8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently

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held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

**SECTION 2. SCHOOL INFORMATION FURNISHED BY CHARTER, PRIVATE OR PAROCHIAL SCHOOLS, LIMITED LIABILITY.**— Charter, private and parochial schools shall not be civilly liable for providing to other schools any information required to be provided pursuant to chapter 160, RSMo.

Approved June 29, 2000

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SB 961 [CCS HS SB 961]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Revises National Guard Scholarship Program.**

AN ACT to repeal sections 8.012 and 173.239, RSMo Supp. 1999, relating to military affairs, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause for a certain section.

**SECTION**

- A. Enacting clause.
  - 8.012. Flags authorized to be displayed at all state buildings.
  - 42.180. World War II medallion, medal and certificate, to whom awarded.
  - 42.185. Adjutant general to administer awards — disposition of deceased applicant's awards.
  - 42.190. Veterans' commission to design awards, may solicit designs from interested groups.
  - 42.195. World War II veterans' recognition award fund.
  - 42.500. General assembly to assist in World War II memorial funding.
  - 173.239. National guard member educational assistance grant, qualifications — limits — administration.
    - 1. "Jubilee of Liberty" replica medal for D-Day veterans, general assembly to appropriate for.
- B. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Sections 8.012 and 173.239, RSMo Supp. 1999, are repealed and eight new sections enacted in lieu

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thereof, to be known as sections 8.012, 42.180, 42.185, 42.190, 42.195, 42.500, 173.239 and 1, to read as follows:

**8.012. FLAGS AUTHORIZED TO BE DISPLAYED AT ALL STATE BUILDINGS.**— At [the state capitol] **all state buildings** and upon the grounds thereof, the board of public buildings may accompany the display of the flag of the United States and the flag of this state with the display of the POW/MIA flag, which is designed to commemorate the service and sacrifice of the members of the armed forces of the United States who were prisoners of war or missing in action.

**42.180. WORLD WAR II MEDALLION, MEDAL AND CERTIFICATE, TO WHOM AWARDED.**— **1. Every veteran who honorably served on active duty in the United States military service at any time beginning December 7, 1941, and ending September 30, 1945, shall be entitled to receive a medallion, medal and a certificate of appreciation pursuant to sections 42.180 to 42.195; provided that:**

**(1) Such veteran is a legal resident of this state on August 28, 2000; and**

**(2) Such veteran was honorably separated or discharged from military service or is still in active service in an honorable status.**

**2. The medallion, medal and the certificate shall be awarded regardless of whether or not such veteran served within the United States or in a foreign country. The medallion, medal and the certificate shall be awarded regardless of whether or not such veteran was under eighteen years of age at the time of enlistment. For purposes of sections 42.180 to 42.195, "veteran" means any person defined as a veteran by the United States Department of Veterans' Affairs or its successor agency.**

**42.185. ADJUTANT GENERAL TO ADMINISTER AWARDS — DISPOSITION OF DECEASED APPLICANT'S AWARDS.**— **1. Except as otherwise provided in sections 42.180 to 42.195, the adjutant general of the state of Missouri shall administer sections 42.180 to 42.195, and may adopt all rules and regulations necessary to administer the provisions of sections 42.180 to 42.195. No rule or portion of a rule promulgated pursuant to sections 42.180 to 42.195 shall become effective unless promulgated pursuant to chapter 536, RSMo.**

**2. The adjutant general shall determine as expeditiously as possible the persons who are entitled to a medallion, medal and a**

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certificate pursuant to sections 42.180 to 42.195 and distribute the medallions, medals and the certificates as provided in sections 42.180 to 42.195. Applications for the medallion, medal and the certificate shall be filed with the office of the adjutant general at any time after January 1, 2001, and before January 1, 2002, on forms prescribed and furnished by the adjutant general's office. The adjutant general shall approve all applications that are in order, and shall cause a medallion, medal and a certificate to be prepared for each approved veteran in the form created by the veterans' commission pursuant to section 42.190.

3. If any person dies after applying for a medallion or medal and a certificate pursuant to sections 42.180 to 42.195 and such person would have been entitled to the medallion, medal and the certificate, the adjutant general shall give the medallion, medal and the certificate to the person to whom the largest portion of the veteran's estate was given in such veteran's will. If the estate was split evenly among two or more persons, the surviving spouse, the eldest living child or the closest relative by degree of consanguinity, in that order, shall receive the medallion, medal and the certificate. If there was no will, the veteran's intestate survivor shall receive the medallion, medal and the certificate.

4. If the adjutant general disallows any veteran's claim to a medallion, medal and a certificate pursuant to sections 42.180 to 42.195, a statement of the reason for the disallowance shall be filed with the application and notice of this disallowance shall be mailed to the applicant at the applicant's last known address.

**42.190. VETERANS' COMMISSION TO DESIGN AWARDS, MAY SOLICIT DESIGNS FROM INTERESTED GROUPS.**—The veterans' commission shall design the form of the medallion, medal, and the certificate and forward the approved designs to the adjutant general for distribution pursuant to sections 42.180 to 42.195. It is the intent of the general assembly to create statewide involvement in the design of these symbols in recognition of this historic endeavor. Therefore, in designing the forms, the veterans' commission may solicit potential designs from elementary and secondary schools, veterans' groups, civic organizations or any other interested party, and may select the best design from among such solicited designs, or may select another design.

**42.195. WORLD WAR II VETERANS' RECOGNITION AWARD FUND.**

—1. The "World War II Veterans' Recognition Award Fund" is hereby created in the state treasury, and shall consist of all gifts, donations and bequests to the fund. The fund shall be administered by the adjutant general. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the World War II veterans' recognition award fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. Interest and moneys earned on the fund shall be credited to the fund.

2. Moneys in the fund shall be used solely to promote the solicitation for designs for, aid in the manufacture of and aid in the distribution of the medallion, medal and the certificate.

3. When all allowed medallions, medals and certificates have been distributed, the fund shall automatically be terminated. Any balance remaining in the fund after all such distributions shall be transferred to the veterans' commission capital improvement trust fund created in section 313.835, RSMo.

**42.500. GENERAL ASSEMBLY TO ASSIST IN WORLD WAR II MEMORIAL FUNDING.** — The Missouri general assembly shall, through appropriations as provided by law, participate in the funding of the National World War II Memorial to be located at a site dedicated on November 11, 1995, on the National Mall in Washington, D.C. in an amount equal to four hundred thirty-eight thousand dollars. Such funds shall be disbursed upon enactment to the World War II Memorial Fund.

**173.239. NATIONAL GUARD MEMBER EDUCATIONAL ASSISTANCE GRANT, QUALIFICATIONS — LIMITS — ADMINISTRATION.** — 1. Any member of the Missouri national guard who possesses the qualifications set forth in this section may be awarded an educational assistance grant to an approved public institution or an approved private institution, as those terms are defined in **either** section 173.205 **or** section 173.778, of his or her choice while he or she is a member of the Missouri national guard. Funding for educational assistance pursuant to this section may be requested annually in the budget of the Missouri national guard. Educational assistance provided pursuant to this section shall not exceed funds appropriated for that purpose.

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2. Educational assistance provided under this section shall not exceed the least of the following:

(1) The actual tuition, as defined in section 173.260, charged at an approved institution where the individual is enrolled or accepted for enrollment; or

(2) The amount of tuition charged a Missouri resident at the University of Missouri for attendance.

(3) The grants provided under this section may be prorated subject to appropriations in an amount no less than fifty percent of the limits set forth in this section.

3. A member of the Missouri national guard seeking educational assistance pursuant to this section shall provide a certificate of satisfactory service of his or her Missouri national guard duties from his or her commanding officer and shall possess all other necessary entrance requirements of the school of his or her choice and shall maintain a cumulative grade point average (GPA) of at least two point five on a four point scale, or the equivalent on another scale approved by the program administrator, while attending the approved public or private institution.

4. If the grade point average of a member who is receiving educational assistance pursuant to this section falls below two point five on a four point scale, or the equivalent on another scale, such member shall retain the educational assistance and shall be placed on probation under the educational assistance program. Failure to achieve a current grade point average of at least two point five on a four point scale, or the equivalent on another scale for future semesters or equivalent academic terms shall result in termination of the scholarship effective as of the next academic term. The member shall be removed from probation status upon achieving a cumulative grade point average of two point five on a four point scale or the equivalent on another scale.

5. If a recipient of educational assistance pursuant to this section ceases to be a member of the Missouri national guard while enrolled in a course of study or within three years after the completion of a course of study for any reason except death or disability, the educational assistance shall be terminated and the recipient shall repay any amounts awarded pursuant to this section.

**6. State educational assistance on behalf of Missouri national guard members pursuant to this section shall be used only after all available federal Department of Defense educational assistance funds have been expended.**

[6.] 7. Applicants for educational assistance pursuant to this section shall meet the qualifications established by section 173.215, except the provisions of subdivisions (2) and (4) of subsection 1 of section 173.215, and shall be qualified, full-time or part-time students.

[7.] 8. The educational assistance program established pursuant to this section shall be administered by the office of the adjutant general of the Missouri national guard. The Missouri national guard shall establish guidelines for equitable distribution of educational assistance.

**SECTION 1. "JUBILEE OF LIBERTY" REPLICAS MEDAL FOR D-DAY VETERANS, GENERAL ASSEMBLY TO APPROPRIATE FOR. — The general assembly shall appropriate moneys to cover the cost of providing every eligible Missouri World War II veteran of the June 6, 1944, "D-Day" invasion of Europe with a replica of the fiftieth anniversary "Jubilee of Liberty" medal issued by France in 1994.**

**SECTION B. EMERGENCY CLAUSE.**— Because immediate action is necessary to ensure swift attention and funding of issues involving those who serve our country and state in the armed forces, the repeal and reenactment of section 173.239 of this act and the enactment of section 1 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 173.239 of this act and the enactment of section 1 of this act shall be in full force and effect upon its passage and approval.

Approved July 12, 2000

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SB 1001 [SB 1001]

**EXPLANATION —** Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Repeals expired provisions of law.**

AN ACT to repeal sections 67.401, 70.430, 87.287, 94.576, 191.599, 191.825, 207.090, 231.466, 287.889, 590.116, 620.600, 620.605 and 620.607, RSMo 1994, and sections 21.570, 37.510, 72.424, 105.980, 135.360, 163.029, 207.125, 210.775, 210.776, 217.041, 217.042,

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219.089, 301.004, 316.235, 321.509, 348.425, 454.1019, 488.023, 577.053, 617.001, 617.005, 617.015, 617.025, 617.035, 617.045 and 620.126, RSMo Supp. 1999, for the purpose of repealing expired provisions of law and sections with contingent effective dates which never became effective.

## SECTION

## A. Enacting clause.

- 21.570. Joint committee on career and vocational education in St. Louis County, members, powers, duties — termination date — effective date.
- 37.510. Juvenile court personnel advisory commission — appointment, compensation — report, contents — expiration.
- 67.401. Building demolition law, Cole County may use.
- 70.430. St. Louis metropolitan infrastructure and transportation study commission — members, vacancies, duties — report — termination.
- 72.424. Owners of certain tracts of land located in certain cities (including Eureka and Wildwood) may, by agreement, choose to join one or the other, procedure — termination date.
- 87.287. Certification of amount to fund benefits, made when — surplus reserve fund, established, purpose — distribution of fund moneys — expiration date.
- 94.576. Capital improvement sales tax — approval and certification procedure — expiration date (Eldon).
- 105.980. Rulemaking procedure — section terminates June 27, 1997.
- 135.360. Rulemaking procedure — section terminates June 27, 1997.
- 163.029. Rulemaking procedure — section terminates June 27, 1997.
- 191.599. Council duties not to include certain tasks.
- 191.825. Joint committee on health care policy and planning established, members, terms, expenses, organization — duties — subpoenas, oaths — expiration date.
- 207.090. Division to establish project employing certain persons as case workers — duration, funding, compensation — where established — report — expiration date.
- 207.125. Family services advisory council, members, duties, reports — reimbursement of expenses — expiration date.
- 210.775. Foster and group home placement task force created — members, qualifications, appointment, expenses — expires January 1, 1998.
- 210.776. Powers and duties of task force — report due when, content — expires when.
- 217.041. Rulemaking procedure — section terminates June 27, 1997.
- 217.042. Rulemaking procedure — section terminates June 27, 1997.
- 219.089. Residential group homes for children, service area, goal — eligibility for reference — interview — capacity — expiration date.
- 231.466. State aid, partial maintenance of certain lake roads, distribution of — limitations.
- 287.889. Labor/employer advisory committee, created — members, terms, duties — reports to governor, general assembly, when — expiration date.
- 301.004. Rulemaking procedure — section terminates June 27, 1997.
- 316.235. Rulemaking procedure — section terminates June 27, 1997.
- 321.509. Initiative and referendum procedure for fire protection district — stay of fire protection district action (city of Chesterfield).
- 348.425. Rulemaking procedure — section terminates June 27, 1997.
- 454.1019. Rulemaking procedure — section terminates June 27, 1997.
- 488.023. Collection and distribution of court costs — expiration date.
- 577.053. Rulemaking procedure — section terminates June 27, 1997.
- 590.116. Probationary appointment, evidence of training.
- 617.001. Department established, duties, governing provisions.
- 617.005. Definitions.
- 617.015. Director, appointment, salary, qualifications.
- 617.025. Rulemaking authority.

- 617.035. Personnel, limitation on number of full-time equivalents, exceptions.
- 617.045. Unified service delivery, departments to cooperate.
- 620.126. Rulemaking procedure — section terminates June 27, 1997.
- 620.600. Citation of law.
- 620.605. Programs, priority of, how determined — assistance to programs, factors to assess.
- 620.607. Report by department, made to whom — contents — economic forecast, contents.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—Sections 67.401, 70.430, 87.287, 94.576, 191.599, 191.825, 207.090, 231.466, 287.889, 590.116, 620.600, 620.605 and 620.607, RSMo 1994, and sections 21.570, 37.510, 72.424, 105.980, 135.360, 163.029, 207.125, 210.775, 210.776, 217.041, 217.042, 219.089, 301.004, 316.235, 321.509, 348.425, 454.1019, 488.023, 577.053, 617.001, 617.005, 617.015, 617.025, 617.035, 617.045 and 620.126, RSMo Supp. 1999, are repealed as follows:

**[21.570. JOINT COMMITTEE ON CAREER AND VOCATIONAL EDUCATION IN ST. LOUIS COUNTY, MEMBERS, POWERS, DUTIES — TERMINATION DATE — EFFECTIVE DATE. — 1.** On or before July 1, 1997, or May 30, 1997, whichever later occurs, the senate and the house of representatives shall establish a "Joint Committee on Career and Vocational Education in St. Louis County", composed of five members of the senate, appointed by the president pro tem of the senate, and five members of the house of representatives, appointed by the speaker of the house. Not more than three members appointed by the president pro tem and not more than three members appointed by the speaker of the house shall be from the same political party.

2. The committee may meet as necessary and hold hearings and conduct investigations as it deems advisable. The committee shall review and monitor the status of career and vocational education in St. Louis County and make any recommendations the committee deems necessary to the general assembly. The members shall receive no additional compensation, other than reimbursement for their actual and necessary expenses incurred in the performance of their duties. The staff of the committee on legislative research, house research, and senate research shall provide necessary clerical, research, fiscal and legal services to the committee, as the committee may request.

3. This section shall terminate on June 30, 2000.]

EXPLANATION: Section 21.570 expires on June 30, 2000.

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**[37.510. JUVENILE COURT PERSONNEL ADVISORY COMMISSION — APPOINTMENT, COMPENSATION — REPORT, CONTENTS — EXPIRATION.**

— 1. There is hereby created in the office of administration the "Juvenile Court Personnel Advisory Commission". Such commission shall be appointed by the governor. The membership shall include a member of the house of representatives, a member of the senate, and members representing the courts, the state courts administrator, the department of social services, the office of administration, MOSERS, and the counties. The members of the commission shall not be paid but shall be reimbursed for any necessary expenses associated with their duties.

2. By July 1, 1996, the commission shall present a report to the governor. Such report shall:

(1) Analyze whether creation and funding of a uniform personnel system for the operation of the juvenile courts is needed;

(2) Study whether specific job qualifications for juvenile court personnel are needed;

(3) Examine the rate at which the state reimburses the county for detention costs; and

(4) Study how to aid regionalization of detention centers, if regionalization of centers is needed.

3. This section shall expire July 1, 1996.]

EXPLANATION: Section 37.510 expired on July 1, 1996.

**[67.401. BUILDING DEMOLITION LAW, COLE COUNTY MAY USE. —**

Any county of the second classification with a population of at least sixty-three thousand five hundred inhabitants according to the latest decennial census, and with a total assessed valuation of at least five hundred fifteen million dollars but not more than five hundred twenty-five million dollars may utilize the provisions of sections 67.400 to 67.450. This section shall expire on January 1, 1997.]

EXPLANATION: Section 67.401 expired on January 1, 1997.

**[70.430. ST. LOUIS METROPOLITAN INFRASTRUCTURE AND TRANSPORTATION STUDY COMMISSION — MEMBERS, VACANCIES, DUTIES — REPORT — TERMINATION. — 1.** There is hereby established the "St. Louis Metropolitan Infrastructure and Transportation Study Commission" to be composed of nine members. The members shall consist of one member appointed by the governor, with the advice and consent of the senate, two state senators appointed by the president pro tem of the senate, two state representatives appointed by the speaker of

the house of representatives, two members of the board of aldermen of St. Louis City appointed by the mayor and two members of the St. Louis County council appointed by the county executive. Of the members appointed by the president pro tem, speaker, mayor and county executive, one shall be chosen from each of the major political parties.

2. Any vacancy on the commission shall be filled in the same manner as the original appointment.

3. The commission shall have the following duties:

(1) To study the provision, planning and implementation of infrastructure and transportation services in the St. Louis area;

(2) To review the current funding mechanisms for the provision of such infrastructure services and to determine the distribution of funding responsibility between the relevant political subdivisions;

(3) To review the expenses of the providers of such infrastructure and services, including the cost of personnel, and to evaluate ways to increase efficiency in such infrastructure and services provided to the public;

(4) To study the degree of responsiveness to public needs of such infrastructure and services;

(5) To study the current governance of the providers of such infrastructure and services to the public;

(6) To study the impact of such infrastructure and services on the economic development climate in such area; and

(7) To hold public hearings and elicit the views and needs of the community with respect to the areas listed in this subsection.

4. The commission shall report its findings and make recommendations for improvements with respect to the areas listed in subsection 3 of this section. The report shall be made to the governor and the general assembly by December 31, 1996.

5. The commission shall terminate on January 1, 1997.]

EXPLANATION: The commission expired on January 1, 1997.

**[72.424. OWNERS OF CERTAIN TRACTS OF LAND LOCATED IN CERTAIN CITIES (INCLUDING EUREKA AND WILDWOOD) MAY, BY AGREEMENT, CHOOSE TO JOIN ONE OR THE OTHER, PROCEDURE — TERMINATION DATE.**—Notwithstanding any other provisions of sections 72.400 to 72.422, any owner of a tract of land of thirty acres or less owned by a single owner and that is located within two or more municipalities, one municipality being a city of the fourth classification with a population between four thousand six hundred and five thousand,

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and the other municipality being of the third classification with a population between sixteen thousand three hundred and seventeen thousand, and both municipalities located within a county of the first classification having a charter form of government and having a minimum population of nine hundred thousand, may elect which municipality to belong to by agreement of that municipality. Such owner's election shall occur within ninety days of August 28, 1999. Such agreement shall consist of the enactment by the governing body of the receiving municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. A copy of said ordinance shall be mailed to the county clerk and to the city clerk and assessor of the contributing municipality before December fifteenth, with such transfer becoming effective the next January first. Such choice of municipalities shall be permanent. Thereafter, all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. This section shall only apply to boundary changes effected after January 1, 1990, and occurring by the incorporation of a municipality. This section shall expire and be of no force and effect on March 1, 2000.]

EXPLANATION: Section 72.424 expires on March 1, 2000.

**[87.287. CERTIFICATION OF AMOUNT TO FUND BENEFITS, MADE WHEN — SURPLUS RESERVE FUND, ESTABLISHED, PURPOSE — DISTRIBUTION OF FUND MONEYS — EXPIRATION DATE. — 1.**

Notwithstanding any other law to the contrary, the board of trustees, on or before the first of March of each year, shall certify to the proper city authorities the amount required to fund system benefits for the system's current fiscal year. This amount will be equal to the annual normal cost plus the annual amount that is necessary to amortize the unfunded liability of the system over a period of not more than thirty years, determined as of the first day of the system's current fiscal year by the system's actuary. The amount so certified shall be appropriated, subject to any adjustment made by the provisions of this section, by the city and transferred to the system.

2. For purposes of this section, "annual revenues" shall mean all funds received from members' contributions, city contributions and all investment income received during the system's fiscal year; "annual expenses" shall mean all benefits, administrative costs and refunds paid during the system's fiscal year; "annual surplus" shall mean the excess, if

any, of annual revenues over one hundred fifty percent of annual expenses for a system fiscal year.

3. There is hereby created a "Surplus Reserve Fund". This fund shall consist of two subfunds, the "future benefit fund" and the "city credit fund". As of the first day of each system fiscal year ending after May 25, 1990, there shall be deposited in each of the future benefit fund and the city credit fund fifty percent of the prior year's annual surplus plus, separately for each fund, allocable earnings, based upon the total system investment return for the system's prior fiscal year.

4. The amount in the future benefit fund shall be used to provide future benefits as approved by a majority of the board of trustees in accordance with an appropriate enabling ordinance. No changes in benefits provided from the future benefit fund shall be made unless the amount in the future benefit fund is equal to or greater than the full amount of the present value of the future benefit changes as determined by the system's actuary. When a benefit change is so implemented, the full amount of the present value of the total future benefit changes shall be transferred from the future benefit fund to the general funds of the system to effectuate the full and immediate funding of the benefit changes.

5. As of the first day of any system fiscal year ending after May 25, 1990, fifty percent of the prior system fiscal year's annual surplus shall be transferred from the city credit fund to the general funds of the system to be credited against the city's contribution for the system's current fiscal year.

6. As of the first day of each system fiscal year ending after May 25, 1990, for the purposes of determining the system's normal cost and amount necessary to amortize the unfunded liability, the system's assets shall exclude the prior year annual surplus and any additional amounts in the surplus reserve fund.

7. The last determination of annual surplus will be for the system fiscal year ending prior to January 1, 1994. If any moneys are remaining in the future benefit funds after January 1, 1995, they shall remain in the future benefit fund to be used as outlined in this section until the future benefit fund is depleted.

8. This section shall expire January 1, 1995, unless the United States Internal Revenue Service determines prior to such date that the provisions of this section are in conflict with the tax exempt requirements for public pension plans, in which case this section shall expire upon such determination.]

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EXPLANATION: The latest contingent date for the expiration of section 87.287 was January 1, 1995.

**[94.576. CAPITAL IMPROVEMENT SALES TAX — APPROVAL AND CERTIFICATION PROCEDURE — EXPIRATION DATE (ELDON). — 1.** Notwithstanding any other provisions of law to the contrary, any sales tax authorized under the provisions of section 94.577, submitted to and approved by the voters of any city with a population of more than four thousand inhabitants but less than five thousand inhabitants located solely within a county of the third classification having a population of more than nineteen thousand five hundred inhabitants but less than twenty-one thousand five hundred inhabitants at an election held on any day between April 1, 1994, and April 15, 1994, inclusive, shall become effective on the first day of the first quarter following the date of receipt by the director of revenue of a copy certified by the city clerk of the ordinance or resolution calling such election for the submission of such tax, reflecting the effective date thereof, and accompanied by a map of the city clearly showing the boundaries thereof and the results of such election. Any administrative cost or expense incurred by the state as a result of this section shall be paid by the city involved.

2. This section shall expire October 1, 1994.]

EXPLANATION: Section 94.576 expired on October 1, 1994.

**[105.980. RULEMAKING PROCEDURE — SECTION TERMINATES JUNE 27, 1997. — 1.** In any action challenging any rule promulgated pursuant to the provisions of this act, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law, and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this act is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.]

EXPLANATION: Section 105.980 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

**[135.360. RULEMAKING PROCEDURE — SECTION TERMINATES JUNE 27, 1997. —** 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eight of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.]

EXPLANATION: Section 135.360 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

**[163.029. RULEMAKING PROCEDURE — SECTION TERMINATES JUNE 27, 1997. —** 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

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3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this act is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.]

EXPLANATION: Section 163.029 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

**[191.599. COUNCIL DUTIES NOT TO INCLUDE CERTAIN TASKS. —** The scope of the council shall not include abortion, family planning or school-based clinics.]

EXPLANATION: Section A of S.B. 202, L. 1987, contained the expiration date of December 31, 1989.

**[191.825. JOINT COMMITTEE ON HEALTH CARE POLICY AND PLANNING ESTABLISHED, MEMBERS, TERMS, EXPENSES, ORGANIZATION — DUTIES — SUBPOENAS, OATHS — EXPIRATION DATE. —** 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Health Care Policy and Planning". The joint committee shall be comprised of five members of the house of representatives appointed by the speaker of the house and five members of the senate appointed by the president pro tempore of the senate. The appointment of each member shall continue during his term of office as a member of the general assembly or until a successor has been duly appointed to fill his place when his term of office as a member of the general assembly has expired. Not more than three members of the senate or three members of the house shall be of the same political party.

2. Members of the joint committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their actual and necessary expenses incurred in the performance of their official duties as members of the joint committee. Such expenses shall be paid from the joint contingency fund. The meetings of the joint committee shall be in Jefferson City.

3. The joint committee shall meet within ten days after its establishment and organize by selecting a chairman and a vice chairman, one of whom shall be a member of the senate and the other a member of the house of representatives. The joint committee shall meet at least quarterly. A majority of the members shall constitute a quorum.

4. The joint committee may, within the limits of its appropriations, employ such persons as it deems necessary to carry out its duties. The compensation of such personnel shall be paid from the joint contingency fund. The joint committee may, within limits of appropriations for that purpose, enter into contracts to provide such professional, legal or technical assistance as may be necessary for it to perform its functions.

5. The duties of the joint committee shall include, but not be limited to:

(1) Monitoring the design and implementation of initiatives enacted by this act to ensure that mechanisms are established to permit effective evaluation of the efficiency and efficacy of those initiatives;

(2) Monitoring the effect of this act and other legislative action upon the delivery of health care services in Missouri. The joint committee shall provide for an independent evaluation of the costs and benefits of the initiatives enacted in this act, using funds designated for that purpose from the health initiatives fund established by section 191.831;

(3) Analyzing and developing policy proposals to improve the delivery of health care services in Missouri;

(4) Making recommendations for administrative or procedural changes in the internal management or organization of the state agencies which provide or regulate the delivery of health care services;

(5) Compiling a report of its activities which shall be submitted to the members of the general assembly and the governor not later than January fifteenth of each year;

(6) Making recommendations to the general assembly for legislative action regarding health care policy and planning;

(7) Developing a health care plan for spending by January 1, 1997, considering health care expenditures, costs, resources and practices including expansion of public health services and managed care organizations, preferred providers, caps, curbs on malpractice suits, choice of physicians and antitrust relief to enable physicians to negotiate fees with any government board setting budgets.

6. Any state funded agency which provides or regulates health care services shall cooperate with and assist the joint committee in the

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performance of its duties and shall make available all books, records and information as requested by the joint committee.

7. The joint committee shall have the power to subpoena witnesses, take testimony under oath, compel the attendance of witnesses, the giving of testimony and the production of records.

8. The provisions of this section shall expire on December 31, 1999.]

EXPLANATION: Section 191.825 expired on December 31, 1999.

**[207.090. DIVISION TO ESTABLISH PROJECT EMPLOYING CERTAIN PERSONS AS CASE WORKERS — DURATION, FUNDING, COMPENSATION — WHERE ESTABLISHED — REPORT — EXPIRATION DATE. — 1.** The division of family services of the department of social services shall, in cooperation with the division of aging, develop and establish a pilot project for the employment of persons age fifty-five or older as part-time case workers for the division. The project shall be of a three-year duration and shall be funded by federal funds and state appropriations made for that purpose, not to exceed fifty percent of the total cost of the project, and donations received from private persons, firms, or corporations. The project shall not exceed ten senior citizens at any one time, and no one senior citizen shall be assigned more than ten cases at any one time. The participants shall be compensated for their services in an amount not to exceed five thousand dollars a year each. The pilot project shall be established in each county of the first classification containing the major part of a city with a population of more than three hundred thousand. Annually, the division of family services shall report on the project to the governor and the general assembly.

2. The section shall expire on August 28, 1997.]

EXPLANATION: Section 207.090 expired on August 28, 1997.

**[207.125. FAMILY SERVICES ADVISORY COUNCIL, MEMBERS, DUTIES, REPORTS — REIMBURSEMENT OF EXPENSES — EXPIRATION DATE. — 1.** The general assembly shall establish in the division of family services, the "Missouri Family Services Advisory Council" which shall consist of fifteen citizens to be appointed as follows:

(1) Five members, two of whom shall be members of the house of representatives each of whom shall be a member of a different political party, appointed by the governor from a list submitted by the speaker of the house of representatives;

(2) Five members, two of whom shall be members of the senate each of whom shall be a member of a different political party, appointed by the governor from a list submitted by the president pro tempore of the senate;

(3) Five members appointed by the governor who either participate in, or represent persons who participate in, any of the division of family services' programs.

2. The council shall organize by electing one member as chairperson and another as vice chairperson. The council shall meet no fewer than four times per calendar year in Jefferson City, at the call of the chairman, in facilities made available by the division of family services. The council members shall be reimbursed for their reasonable and necessary expenses incurred in the performance of their duties.

3. The council shall advise and counsel the division of family services on the rules, regulations and policy issues of the division and their effect on families. In addition, the council shall oversee the implementation and assess the success or failure of pilot projects which are chosen by the director of the division of family services for review by the council. The council shall report to the governor, the speaker of the house of representatives and the president pro tempore of the senate the results of the council's study of each pilot project reviewed by the council. Such report shall include the council's recommendation as to whether the pilot project should be expanded.

4. The council shall also serve in an ombudsman capacity by hearing complaints of citizens affected by the decisions and actions of the division regarding out-of-home placements of children in the custody of the division of family services and in-home services provided by the division of family services to families and children resulting from reports of child abuse and neglect which are received by the division. The council shall hire two employees to act as an ombudsman and secretary, whose salaries shall be paid from state appropriations made for that purpose from the division of family services budget. The ombudsman and secretary shall report to the advisory council quarterly on the number and nature of complaints and the manner in which they were resolved. The advisory council shall report annually, by January fifteenth, to the director of the division of family services and the children's services commission regarding the number, the nature and the disposition of complaints referred to the ombudsman.

5. The provisions of this section shall expire July 1, 1998.]

EXPLANATION: Section 207.125 expired on July 1, 1998.

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**[210.775. FOSTER AND GROUP HOME PLACEMENT TASK FORCE CREATED — MEMBERS, QUALIFICATIONS, APPOINTMENT, EXPENSES — EXPIRES JANUARY 1, 1998.** — 1. There is hereby created the "Missouri Foster and Group Home Placement Task Force". The task force shall consist of the following members:

- (1) The director of the department of mental health, or the designee of the director;
- (2) The director of the division of mental retardation and developmental disabilities, or the designee of the director;
- (3) The director of the division of comprehensive psychiatric services, or the designee of the director;
- (4) The director of the department of social services, or the designee of the director;
- (5) The director of the division of family services, or the designee of the director;
- (6) The director of the division of youth services, or the designee of the director;
- (7) The commissioner of the department of elementary and secondary education, or the designee of the commissioner;
- (8) An elementary school administrator and an elementary school special education teacher, appointed by the governor;
- (9) A secondary school administrator and a secondary school special education teacher, appointed by the governor;
- (10) Four foster parents, one of whom shall be from a noncharter county of the first classification containing a population in excess of two hundred thousand and one of whom shall be from that portion of a metropolitan statistical area, as defined by the federal Office of Management and Budget or its successor agency, within the boundaries of Missouri with a population of at least one million nine hundred thousand inhabitants and two administrators of a residential care facility for children, appointed by the governor;
- (11) A member of the judiciary, who currently serves as a family court judge, appointed by the chief justice of the supreme court.

2. Members of the task force who are appointed by the governor shall be appointed with the advice and consent of the senate. No member of the task force shall receive compensation for the performance of duties related to the task force but shall be reimbursed for reasonable and necessary expenses incurred in the performance of such duties.

3. The division of family services shall convene, organize and provide support services for the Missouri foster and group home placement task force.]

EXPLANATION: Section 210.775 expired January 1, 1998, pursuant to the provisions of subsection 2 of section 210.776.

**[210.776. POWERS AND DUTIES OF TASK FORCE — REPORT DUE WHEN, CONTENT — EXPIRES WHEN. —** 1. The task force shall conduct a study of the current status of foster home and residential care facility placement of children in this state. At the completion of the study, the task force shall submit a report of the findings of the study and recommendations for changes to the governor, the speaker of the house of representatives and the president pro tem of the senate. The study shall establish baseline data and make recommendations regarding at least the following:

- (1) The number of children's residential care facilities and foster homes and the actual and licensed capacities of such facilities in each school district in relation to the population of the school district;
  - (2) The training and qualifications of foster parents and personnel in residential care facilities;
  - (3) The amount paid to each foster home or residential care facility and the amount paid for each child and options to reimburse school districts for additional educational services provided to children placed in such homes or facilities;
  - (4) The proximity of children in homes or facilities to schools providing special education services and transportation costs to the schools;
  - (5) The administrative process whereby a child is moved from one out-of-home placement to another;
  - (6) The processing, updating and handling of children's records as children are transferred;
  - (7) The availability of social workers or case managers to aid school districts which have a disproportionate share of children with special needs who are placed in the district by a state agency;
  - (8) The visitation and accountability of social workers or case managers assigned to children in foster homes or residential care facilities;
  - (9) The agencies responsible for children's placement issues and options for coordination and consolidation;
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(10) The number and location of satellite homes associated with facilities;

(11) The safety procedures needed regarding the notification of law enforcement and fire departments of the location and special needs of residents.

2. Sections 210.775 and 210.776 shall expire on January 1, 1998.]

EXPLANATION: Section 210.776 expired on January 1, 1998.

**[217.041. RULEMAKING PROCEDURE — SECTION TERMINATES JUNE 27, 1997. —** 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eight of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.]

EXPLANATION: Section 217.041 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

**[217.042. RULEMAKING PROCEDURE — SECTION TERMINATES JUNE 27, 1997. —** 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency, as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eight of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this act, is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall not take effect if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.

6. The provisions of this section shall not apply to any rules promulgated pursuant to chapter 595, RSMo.]

EXPLANATION: Section 217.042 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

**[219.089. RESIDENTIAL GROUP HOMES FOR CHILDREN, SERVICE AREA, GOAL — ELIGIBILITY FOR REFERENCE — INTERVIEW — CAPACITY — EXPIRATION DATE. —** 1. There may be established a pilot program for boys between the ages of seven to seventeen which creates two residential group homes for children by contract with the division of youth services. One youth home will serve children from the St. Louis metropolitan area while the other youth home will serve children from the Kansas City metropolitan area. The goal of each youth home will be to provide children and families at risk with therapy, training and education to promote the self- sufficiency of the children and to reunite them with relatives or place them into foster care.

2. The following children may be referred to these youth homes:

(1) Children legally placed in the department of social services or one of its divisions following an adjudication under subdivision (2) or (3) of subsection 1 of section 211.031, RSMo;

(2) Children referred by the director of the division of youth services pursuant to section 219.016;

(3) Children referred by a public school, with the consent of the children's parents or legal guardian; and

(4) Children whose parents or legal guardian have referred them.

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3. The local director of the youth home will interview each prospective resident to determine the appropriateness of placing him in that youth home.

4. Each youth home will be located in an area with limited access to the community from which the child is referred. Each home will have a capacity for fifty children.

5. This section shall expire on August 28, 2000.]

EXPLANATION: Section 219.089 expires on August 28, 2000.

**[231.466. STATE AID, PARTIAL MAINTENANCE OF CERTAIN LAKE ROADS, DISTRIBUTION OF — LIMITATIONS. —** 1. The general assembly may appropriate moneys from the general revenue fund or the third state building fund for the partial maintenance of asphalt or concrete surfaced roads, and nonhard-surfaced roads constructed by the United States Army Corps of Engineers in connection with the construction of a lake if, upon the completion of the construction of such lake, such roads are transferred to the county in which the roads are located. Such moneys shall be transferred to the transportation department and distributed by the transportation department to counties which make application to the department and which contain roads that meet the qualifications of this section. Any moneys distributed to a county under this section shall be used solely for the maintenance of such roads. Any moneys appropriated pursuant to this section which are not distributed to the counties shall be subject to the provisions of section 33.080, RSMo.

2. The funds distributed to any county under this section shall not exceed five thousand dollars per mile for up to ten miles of asphalt or concrete surfaced roads, and nonhard-surfaced roads for any one county in any fiscal year. In addition to the limitation set forth in this subsection, funds may only be distributed to maintain such roads until the valuation of the real property of the counties affected increases by ten million dollars following May 30, 1990.]

EXPLANATION: Section 231.466 expired on January 1, 1995, pursuant to the provisions of Section A of S.B. 479 & 649, L. 1990.

**[287.889. LABOR/EMPLOYER ADVISORY COMMITTEE, CREATED — MEMBERS, TERMS, DUTIES — REPORTS TO GOVERNOR, GENERAL ASSEMBLY, WHEN — EXPIRATION DATE. —** 1. The president pro tem of the senate and the speaker of the house of representatives shall appoint a "Workers' Compensation Labor/Employer Advisory Committee", composed of ten members. Five members shall represent the interests of

workers subject to the provisions of this chapter, and five members shall represent employers subject to the provisions of this chapter. Of the five members representing employers, one shall represent a statewide business association whose members are composed primarily of businesses that do not fall under the definition of small business of the federal small business administration, one shall represent a statewide business association whose members are composed primarily of businesses that fall under the definition of small business of the federal small business administration, one shall represent the interests of political subdivision employers, one shall represent construction industry employers and one shall represent a statewide association of self-insured employers. All members shall serve four-year terms except that of the initial appointments made after August 28, 1993, two shall be appointed for a term of four years, two shall be appointed for a term of three years, three shall be appointed for a term of two years and three shall be appointed for a term of one year. All members shall be eligible for reappointment. All members shall have an interest in and a working knowledge of workers' compensation. No more than six members shall belong to the same political party. At the first meeting of the committee the members shall select from among themselves a chairman and a vice chairman. The chairman and vice chairman shall be selected annually and shall not represent the same interest nor be of the same political party.

2. The committee shall examine the workers' compensation system in Missouri, shall provide oversight of and advice on that system for the general assembly and the division and shall assume any other responsibilities relating to workers' compensation given to it by the general assembly. The committee shall consider the following objectives when making such examination:

(1) To provide workers with adequate and guaranteed benefits, delivered efficiently, promptly, and at reasonable rates of reimbursement, and to assure that those injured on the job receive immediate and necessary medical attention;

(2) To ensure employers of relatively stable, fair, and predictable costs that can confidently be factored into overall costs of products or services;

(3) To encourage cost-effective safety programs that assist employers in making the workplace as safe as possible;

(4) To provide appropriate medical and vocational rehabilitation programs to help speed the injured employee's return to work; and

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(5) To operate under effective checks and balances, supervised by the state, to assure the program is meeting its goals.

3. The committee shall examine the current practices in Missouri and other jurisdictions on ways to improve the administration of workers' compensation claims within the division of workers' compensation. The committee shall accomplish this goal through personal interviews, on-site visits, public hearings, taking testimony, researching, and drafting a report to be delivered to the general assembly. Funding of the committee shall be paid out of the workers' compensation fund.

4. The committee shall have the right to inspect and review necessary claim information and injury statistics to develop a pattern of claims administration. The committee shall not have the right to investigate any pattern of decisions by the administrative law judges or legal advisors.

5. The committee shall periodically report its findings to the governor and the general assembly regarding the ability of the workers' compensation system to meet its goals, and any reforms the committee deems necessary to achieve them.

6. The members of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

7. This section shall expire August 27, 1996.]

EXPLANATION: Section 287.889 expired on August 27, 1996.

**[301.004. RULEMAKING PROCEDURE — SECTION TERMINATES JUNE 27, 1997. —** 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to July 1, 1997.]

EXPLANATION: Section 301.004 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

**[316.235. RULEMAKING PROCEDURE — SECTION TERMINATES JUNE 27, 1997.]** — 1. In any action challenging any rule promulgated pursuant to the provisions of sections 316.200 to 316.237, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law, and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of sections 316.200 to 316.237 is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.]

EXPLANATION: Section 316.235 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

**[321.509. INITIATIVE AND REFERENDUM PROCEDURE FOR FIRE PROTECTION DISTRICT — STAY OF FIRE PROTECTION DISTRICT ACTION (CITY OF CHESTERFIELD).]** — 1. If an initiative or referendum petition is presented to the secretary of the board of directors in any fire protection district which has an assessed valuation of more than nine hundred ninety million dollars but less than one billion dollars and in which is located a third class city with a population as of the most recent decennial census of at least forty-one thousand but not more than forty-five thousand inhabitants, which is located within a county of the first classification with a population in excess of nine hundred thousand

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inhabitants, and which petition carries the names of voters of the district, equal in number to at least twenty-five percent of the number of voters who voted in the most recent fire district election, the board of directors shall submit the question pursuant to the order or demand of the petition.

2. In any fire protection district specified in subsection 1 of this section, upon the filing with the circuit court having jurisdiction over the fire protection district an emergency petition signed by one hundred voters of the district, the circuit court may stay any action of the district contained in the petition. A copy of the petition shall be delivered to the fire protection board upon filing with the court. The petition shall set forth all relevant facts pertaining to the emergency status of the petition, set forth reasons why the petition is an emergency in that the public health and safety of the district is at risk, request the court to stay the actions contained in the petition, and request the court to set a time for the gathering of signatures pursuant to subsection 1 of this section. The court may hold hearings on the petition, and if the court finds that the petition does state an emergency, the court shall stay the actions contained in the petition. The court shall place the petition at the top of the docket, and rule on the merits of the petition in an expeditious manner.

3. The measure called for in the petition is adopted if it receives an affirmative majority vote of the voters voting at the district election.

4. This section shall expire on May 1, 1997.]

EXPLANATION: Section 321.509 expired on May 1, 1997.

**[348.425. RULEMAKING PROCEDURE — SECTION TERMINATES JUNE 27, 1997. —** 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eight of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.]

EXPLANATION: Section 348.425 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

**[454.1019. RULEMAKING PROCEDURE — SECTION TERMINATES JUNE 27, 1997.]** — 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency, as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, authorized by law, not in conflict with any law, and not arbitrary or capricious.

2. The court shall award reasonable fees and expenses, as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eight of the year after the year in which the rule became effective, unless the general assembly extends the rule or set of rules by statute beyond such date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this act is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to July 1, 1997.]

EXPLANATION: Section 454.1019 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

**[488.023. COLLECTION AND DISTRIBUTION OF COURT COSTS — EXPIRATION DATE.]** — 1. Until the effective date of the rule provided by section 488.018, the fees collected by clerks in all divisions of the circuit courts other than the municipal courts, pursuant to subdivisions (7), (9), (10), (11), (12), (13), (14), (16), (17), (18), (19), (20), and subdivision (6) except the twelve dollar fee referenced therein, of subsection 3 of section

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488.012, shall be paid over by the clerk collecting any such fee within thirty days of the date of the collection of such fee, as follows:

(1) Eighty percent of such fees shall be paid to the director of revenue, to be deposited to the general revenue fund;

(2) Twenty percent of such fees shall be paid into the county treasury, or in the case of the city of St. Louis, into the city treasury.

2. This section shall expire and be of no force and effect on and after July 1, 2000.]

EXPLANATION: Section 488.023 expires on July 1, 2000.

**[577.053. RULEMAKING PROCEDURE — SECTION TERMINATES JUNE 27, 1997.** — 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eight of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this act is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.]

EXPLANATION: Section 577.053 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

**[590.116. PROBATIONARY APPOINTMENT, EVIDENCE OF TRAINING.** — 1. Within one year from the date of probationary appointment, the chief executive officer of a law enforcement agency shall furnish to the director evidence that the noncertified officer satisfactorily completed instruction in a course of training for peace officers in a certified training

academy or is currently enrolled in a certified training program to be completed with the first year of employment.

2. This section shall expire on August 28, 1995.]

EXPLANATION: Section 590.116 expired on August 28, 1995.

**[617.001. DEPARTMENT ESTABLISHED, DUTIES, GOVERNING PROVISIONS.** — 1. There is hereby created and established a department of state government to be known as the "Department of Aging". The department of aging shall be charged with the execution of all duties and responsibilities vested in the division of aging prior to the effective date of this act.

2. The department shall be governed by the provisions of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo, unless otherwise provided in sections 617.001 to 617.009. The division of aging of the department of social services, chapter 660, RSMo, is hereby transferred to the department of aging by a type I transfer. The department shall be authorized to employ all other necessary support personnel currently provided by the department of social services to the division of aging, including, but not limited to, data processing personnel, budget and finance personnel, general services personnel and legal services personnel. All employees of the department of aging shall be selected by and retain rights accrued under chapter 36, RSMo. All terms and conditions of employment in and employees of the division of aging shall be applicable to employment in and employees of the department of aging. Appropriations for the department of aging shall be determined in the same appropriations bill as the department of social services.]

EXPLANATION: Contingent effective date of section 617.001 was July first next following the adoption of a constitutional amendment proposed by the 2nd Regular Session of the 88th General Assembly creating the Department of Aging and not otherwise. Constitutional Amendment No. 5, proposed by the 2nd Regular Session of the 88th General Assembly, SJR No. 32, was not adopted by the voters on November 5, 1996.

**[617.005. DEFINITIONS.** — The following terms, whenever used in chapter 617 mean:

(1) "Department of aging", the state agency primarily charged with administering and coordinating programs relating to older persons;

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(2) "Division of family services", the division within the department of social services primarily charged with determining eligibility for state or federally funded medical assistance;

(3) "Division of medical services", the division within the department of social services primarily charged with determining coverage and payment for state or federally funded medical assistance;

(4) "Older person", individuals sixty years of age or older.]

EXPLANATION: Contingent effective date of section 617.005 was July first next following the adoption of a constitutional amendment proposed by the 2nd Regular Session of the 88th General Assembly creating the Department of Aging and not otherwise. Constitutional Amendment No. 5, proposed by the 2nd Regular Session of the 88th General Assembly, SJR No. 32, was not adopted by the voters on November 5, 1996.

**[617.015. DIRECTOR, APPOINTMENT, SALARY, QUALIFICATIONS.**

— 1. The director of the department of aging shall be appointed by the governor by and with the advice and consent of the senate. The director shall serve at the pleasure of the governor and the director's salary shall not exceed appropriations made for that purpose.

2. The director shall be a person of recognized character, integrity and executive ability and have such education, training, proven executive ability and experience necessary for the successful performance of official duties. The director shall have experience in dealing with the issues facing Missouri's aging population.]

EXPLANATION: Contingent effective date of section 617.015 was July first next following the adoption of a constitutional amendment proposed by the 2nd Regular Session of the 88th General Assembly creating the Department of Aging and not otherwise. Constitutional Amendment No. 5, proposed by the 2nd Regular Session of the 88th General Assembly, SJR No. 32, was not adopted by the voters on November 5, 1996.

**[617.025. RULEMAKING AUTHORITY.** — 1. The department of aging may adopt, appeal and amend rules necessary to carry out the duties assigned to it. All rules shall be promulgated pursuant to the provisions of this section and chapter 536, RSMo.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

EXPLANATION: Contingent effective date of section 617.025 was July first next following the adoption of a constitutional amendment proposed by the 2nd Regular Session of the 88th General Assembly creating the Department of Aging and not otherwise. Constitutional Amendment No. 5, proposed by the 2nd Regular Session of the 88th General Assembly, SJR No. 32, was not adopted by the voters on November 5, 1996.

**[617.035. PERSONNEL, LIMITATION ON NUMBER OF FULL-TIME EQUIVALENTS, EXCEPTIONS.** — The director shall appoint and employ such clerks and clerical and other help which are necessary for the proper dispatch of the business of the department of aging. However, the total number of employees of the department of aging shall not exceed seven hundred and twenty-five full-time equivalents. Personnel employed in any state department and whose duties involve the provision of aging-related services or programs may be transferred to the department of aging, and shall be appropriate additions to the staff number limit of seven hundred and twenty-five full-time equivalents. Full-time equivalents approved by appropriation by the eighty-eighth general assembly, second regular session, and full-time equivalents approved by fiscal notes issued for any legislation related to the functions, duties or activities of the division of aging and approved by the eighty-eighth general assembly, second regular session, are appropriate additions to the staff number limit of seven hundred and twenty-five full-time equivalents. Personnel employed in any state department and whose duties involve the provision of aging-related services or programs may be accessed by the department of aging to assist the department in providing services and programs through a unified service delivery system.]

EXPLANATION: Contingent effective date of section 617.035 was July first next following the adoption of a constitutional amendment proposed by the 2nd Regular Session of the 88th General Assembly creating the Department of Aging and not otherwise. Constitutional Amendment No. 5, proposed by the 2nd Regular Session of the 88th General Assembly, SJR No. 32, was not adopted by the voters on November 5, 1996.

**[617.045. UNIFIED SERVICE DELIVERY, DEPARTMENTS TO COOPERATE.** — 1. The department of aging, the department of social services, the department of health, and the department of mental health shall develop a unified service delivery system which includes but is not

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limited to a single application form to be used by these same state departments for programs meeting older persons' medical and health needs.

2. The application form and any subsequent unified service delivery mechanism shall be used by the department of aging, the department of social services, the department of health and the department of mental health in order to provide a single point of entry for serving the medical and health needs of older persons.

3. The department of aging, the department of social services, the department of health, the department of mental health, the division of family services and the division of medical services shall develop agreements and protocols for sharing application forms and information, and for ensuring the timely processing of all applications by the appropriate agency.]

EXPLANATION: Contingent effective date of section 617.045 was July first next following the adoption of a constitutional amendment proposed by the 2nd Regular Session of the 88th General Assembly creating the Department of Aging and not otherwise. Constitutional Amendment No. 5, proposed by the 2nd Regular Session of the 88th General Assembly, SJR No. 32, was not adopted by the voters on November 5, 1996.

**[620.126. RULEMAKING PROCEDURE — SECTION TERMINATES JUNE 27, 1997.** — 1. Any rule or portion of a rule promulgated pursuant to this act shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, RSMo, if applicable, after August 28, 1997. All rulemaking authority delegated prior to August 28, 1997, is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

2. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

3. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

4. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

5. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

6. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to August 28, 1997.]

EXPLANATION: Section 620.126 expired June 27, 1997. The contingency for expiration was met when section 536.024, RSMo, was signed into law on June 27, 1997.

**[620.600. CITATION OF LAW. —** Sections 620.600 to 620.607 shall be known and may be cited as the "Economic Development Policy and Planning Act of 1990".]

EXPLANATION: Section 620.600 expired on July 1, 1995, pursuant to the provisions of Section C of H.B. 1564, L. 1990.

**[620.605. PROGRAMS, PRIORITY OF, HOW DETERMINED —**  
**ASSISTANCE TO PROGRAMS, FACTORS TO ASSESS. —** 1. Development programs enacted by the general assembly, to be overseen by the department of economic development, shall be administered in the following order of priority:

- (1) Assist existing businesses and employers to ensure their continued existence and maintain the level of existing jobs;
  - (2) Assist existing businesses and employers in job creation and expansion;
  - (3) Provide assistance to Missouri communities in attracting new employers;
  - (4) Foster the development of new businesses in the state of Missouri;
  - (5) Assist existing businesses and encourage new businesses which promote resource recovery, waste minimization and recycling; and
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(6) Assist existing minority businesses to ensure their continued existence and encourage new minority business in job creation and expansion.

2. In determining whether or not a proposed economic development project shall be assisted by the department of economic development or the Missouri industrial development board, or its successor entity, the department and the board shall consider the following factors:

(1) The ratio of state dollars needed for a project to the number of jobs created or saved;

(2) The ratio of the capital investment of a business to the amount of state money requested by the borrower;

(3) The potential of the business to export goods and services outside the state in order to increase the overall wealth of the state;

(4) The ratio of economic benefits to public costs;

(5) The ratio of state dollars to private dollars invested in the project;

(6) The likelihood of the project to contribute to the growth of existing businesses in the state or to encourage the development of new businesses in the state;

(7) The protection of the state's fiscal interests;

(8) The extent to which the project builds on existing strengths and resources;

(9) The potential impact of the project on the state's natural resources;

(10) The potential negative economic impact on other Missouri businesses which do not receive such assistance;

(11) The likelihood that a project may proceed without such assistance; and

(12) The potential impact of the project on the revenues of local governments and other political subdivisions where such project will be located.]

EXPLANATION: Section 620.605 expired on July 1, 1995, pursuant to the provisions of Section C of H.B. 1564, L. 1990.

**[620.607. REPORT BY DEPARTMENT, MADE TO WHOM —**  
**CONTENTS — ECONOMIC FORECAST, CONTENTS. —** 1. Beginning in January of 1991, the department of economic development shall annually report to the governor, the president pro tem of the senate, and the speaker of the house of representatives, and to all members of the general assembly regarding each economic development program's activities during the preceding calendar year. The report of the department shall be

delivered no later than March of each year. Each report shall contain, but not be limited to, the following information:

(1) The effectiveness of the national and international business section in securing business locations in Missouri and the number of jobs created for each location;

(2) The results of department of economic development impact trips and the progress made by the department's foreign offices;

(3) Data relating to clients and graduates of each innovation center;

(4) Data relating to centers for advanced technology;

(5) Economic activity of new and expanding businesses in each of the state's enterprise zones, the number of new jobs created in each, and the amount of tax credits granted in each;

(6) Projects authorized under the higher education applied projects program;

(7) The number of loans, loan guaranties, grants, and bonds authorized or issued by the Missouri economic development export and infrastructure board, or its successor entity, the amount of each, and a projection of the number of jobs created by each;

(8) Data relating to the activities of the small and existing business development unit;

(9) The recipients and the amount of grants awarded as a result of economic development grants and the annual competition under the community development block grant program;

(10) Tax credits awarded and a description of projects authorized by the neighborhood assistance program;

(11) Data relating to the Missouri main street program;

(12) Data relating to activities of the office of rural development, including the recipients and amounts of grants-in-aid awarded under the rural communities economic development assistance program;

(13) Data relating to the activities of the Missouri export development office, including data relating to the operation of the computerized marketing center;

(14) Information and data relating to the activities of the small business office and the office of minority business assistance, including the number of minority businesses assisted by those offices and summaries of concerns expressed by minority businesses regarding doing business in Missouri; and

(15) Data regarding the number of minority businesses assisted by department of economic development programs, including the recipients and amounts of grants-in-aid awarded.

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2. Beginning in 1991, the department of economic development shall annually produce and distribute a forecast of the Missouri economy for the following year. The forecast shall measure the anticipated strengths and weaknesses of the economy and gauge where the department should place its primary emphasis upon stimulating job creation within the state.]

EXPLANATION: Section 620.607 expired on July 1, 1995, pursuant to the provisions of Section C of H.B. 1564, L. 1990.

Approved June 27, 2000

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SB 1002 [SB 1002]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Revision bill.**

AN ACT to transfer or enact thirty-eight sections in compliance with the directives of senate bill no. 869 of the second regular session of the eighty-eighth general assembly, 1996.

SECTION

- A. Enacting clause.
- 488.024. Assessment of surcharge, exceptions — remittance to sheriffs' retirement fund.
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  - 43.545. Highway patrol to include incidents of domestic violence in crime index.
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- 488.635. Surcharge collected, deposit into domestic relations resolution fund.
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- 488.2275. Additional surcharge authorized for Greene County for criminal cases, violations of county and city ordinances, exceptions — use of revenue.
- 488.2300. Family services and justice fund established, where — purpose — surcharge, collection, payment — fundings for enhanced services, conditions — reimbursement for costs of salaries.
- 488.4014. Court costs in civil and criminal cases, exceptions — collection and deposit procedure — distribution — county entitled to judgment, when.
- 488.5017. Surcharge in criminal and infraction cases, exceptions.
- 488.5320. Charges in criminal cases, sheriffs and other officers.
- 488.5332. Surcharge in criminal cases, when, exceptions — payment to independent living center fund.
- 488.5334. Reimbursement of costs of arrest, when — limitations.
- 488.5336. Court costs may be increased, amount, how, exceptions, deposit — additional assessment — use of funds — amount of reimbursement.
- 488.5339. Surcharge for crime victims' compensation fund, exceptions — surcharge in juvenile court proceedings where child allegedly violates state law or municipal ordinance — disbursement.
- 488.5342. Appointment of substitute prosecutor, when — fees.
- 488.5345. Cost of necessary clothing for prisoner, how paid.
- 488.5356. Change of venue, costs allowed when.
- 488.5358. Drug court operations, surcharge for, exceptions (Jackson County).
- 488.6697. Recording of order of consolidation — fee.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**—The following thirty-eight sections are transferred or enacted, to be known as sections 488.024, 488.027, 488.032, 488.035, 488.040, 488.045, 488.064, 488.426, 488.429, 488.432, 488.435, 488.445, 488.447, 488.470, 488.472, 488.473, 488.474, 488.607, 43.545, 488.627, 488.633, 488.635, 488.2250, 488.2253, 488.2275, 488.2300, 488.4014, 488.5017, 488.5320, 488.5332, 488.5334, 488.5336, 488.5339, 488.5342, 488.5345, 488.5356, 488.5358 and 488.6697, to read as follows:

**488.024. ASSESSMENT OF SURCHARGE, EXCEPTIONS — REMITTANCE TO SHERIFFS' RETIREMENT FUND.**— **As provided by section 57.955, RSMo, there shall be assessed and collected a surcharge of three dollars in all civil actions filed in the courts of this state and in all criminal cases including violation of any county ordinance or any violation of criminal or traffic laws of this state,**

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including infractions, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county or municipality or when a criminal proceeding or the defendant has been dismissed by the court. For purposes of this section, the term "county ordinance" shall not include any ordinance of the City of St. Louis. The clerk responsible for collecting court costs in civil and criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the sheriffs' retirement fund.

EXPLANATION: This section was enacted and printed in chapter 488, RSMo, from section 57.955, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[476.053.] **488.027. STATEWIDE COURT AUTOMATION FUND FEE, AMOUNT, DISPOSITION.**—1. In addition to all other court costs provided by law, in all civil cases filed in the circuit courts of this state and in all criminal cases including violations of any municipal or county ordinance heard by an associate circuit judge or any violation of criminal or traffic laws of this state, including an infraction, a fee in an amount determined pursuant to sections 488.015 to 488.020[, RSMo,] shall be assessed as costs, except that, no such fee shall be collected in any proceeding involving a violation of an ordinance or state law when a criminal proceeding or defendant has been dismissed by the court or when costs are waived or are to be paid by the state, county[, ] or municipality.

2. The moneys collected by clerks of the courts pursuant to the provisions of this section shall be collected and disbursed as provided by sections 488.010 to 488.020[, RSMo]. All such moneys shall be payable to the director of revenue, who shall deposit all amounts collected pursuant to this section to the credit of the statewide court automation fund which is established in section 476.055, **RSMo**.

3. The assessment of court costs authorized by this section shall apply to all cases filed on or after September 1, 1994.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.032. FEES OF WITNESSES — EXAMINATION ON OATH. — 1.**  
**Witnesses shall, pursuant to section 491.280, RSMo, be allowed fees**

for their services subject to guidelines to be promulgated by the supreme court.

2. Each witness may be examined on oath by the court or by the clerk when the court shall so order as to factors relevant to the proper amount of payment pursuant to this section.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.035. WITNESS IN CRIMINAL PROCEEDINGS, MILEAGE ALLOWANCE AND PER DIEM.**— If the witness is summoned to attend and testify in this state, pursuant to the provisions of section 491.420, RSMo, he or she shall, pursuant to section 491.420, RSMo, be tendered by the treasurer of the county in which the prosecution is pending the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and fifteen dollars for each day that he or she is required to travel and attend as a witness.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.040. COMPENSATION OF JURORS, MILEAGE — ADDITIONAL COMPENSATION AND MILEAGE ALLOWANCE MAY BE AUTHORIZED, WHEN.**— 1. Each grand and petit juror shall, pursuant to the provisions of section 494.455, RSMo, receive six dollars per day for every day he or she may actually serve as such and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county.

2. Provided that a county or a city not within a county authorizes daily compensation payable from county or city funds for jurors who serve in that county pursuant to subsection 3 of this section in the amount of at least six dollars per day in addition to the amount required by subsection 1 of this section, a person shall receive an additional six dollars per day, pursuant to the provisions of section 494.455, RSMo, to be reimbursed by the state of Missouri so that the total compensation payable shall be at least eighteen dollars, plus mileage as indicated in subsection 1 of this section, for each day that the person actually serves as a petit juror in a particular case; or for each day that a person actually serves as a

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grand juror during a term of a grand jury. The state shall reimburse the county for six dollars of the additional juror compensation provided by this subsection.

3. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors, which additional compensation shall be paid from the funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive the additional compensation and mileage allowance authorized by this subsection only if the governing body of the county or the city not within a county authorizes the additional compensation. The provisions of this subsection authorizing additional compensation shall terminate upon the issuance of a mandate by the Missouri supreme court which results in the state of Missouri being obligated or required to pay any such additional compensation even if such additional compensation is formally approved or authorized by the governing body of a county or a city not within a county.

4. When each panel of jurors summoned and attending court has completed its service, the board of jury commissioners shall cause to be submitted to the governing body of the county or a city not within a county a statement of fees earned by each juror. Within thirty days of the submission of the statement of fees, the governing body shall cause payment to be made to those jurors summoned the fees earned during their service as jurors.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.045. COSTS FOR IMPANELING JURY TO BE PAID, WHEN. — At any time after the jury is impaneled, pursuant to the provisions of section 494.480, RSMo, such defendant shall be liable to the county for the costs associated with impaneling the jury.**

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.064. HANDLING FEE FOR CHILD SUPPORT PAYMENTS, PAID TO CLERK, WHEN (MARION COUNTY). — In the event the judge orders**

**child support payments in Marion County to be made through the clerk, the clerk shall annually, on or before February first of each year, pursuant to section 483.083, RSMo, charge ten dollars per year to each such person so obligated to make child support payments, which fee shall be paid to the state.**

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**[514.440.] 488.426. DEPOSIT REQUIRED IN CIVIL ACTIONS—**

**EXEMPTIONS.**—The judges of the circuit court, en banc, in any circuit in this state, by rule of court adopted prior to January 1, 1997, may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in the amount of not to exceed fifteen dollars in addition to all other deposits required by law or court rule. Sections [514.440 to 514.460] **488.426 to 488.432** shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**[514.450.] 488.429. FUND PAID TO TREASURER DESIGNATED BY CIRCUIT JUDGE—USE OF FUND FOR LAW LIBRARY.**—Moneys collected pursuant to section [514.440] **488.426** shall be payable to the circuit judge or judges of the circuit court of the county from which such surcharges were collected, or to such person as is designated by local circuit court rule as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the circuit judge or judges of the circuit court of any such county for the maintenance and upkeep of the law library maintained by the bar association in any such county, or such other law library in any such county as may be designated by the circuit judge or judges of the circuit court of any such county; provided, that the judge or judges of the circuit of any such county, and the officers of all courts of record of any such county, shall be entitled at all reasonable times to use the library to the support of which said funds are applied.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

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[514.460.] **488.432. PARTY FILING SUIT MAY RECOVER DEPOSIT.—**  
If in any suit in which a deposit is provided for under sections [514.440 to 514.460] **488.426 to 488.432**, the party filing the suit shall prevail, the amount of said deposit required at the time of filing said suit shall be awarded and collectable as a judgment entered in said suit in favor of the prevailing party making said deposit.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.435. SHERIFF TO RECEIVE CHARGES FOR CIVIL CASES.— 1.**  
**Sheriffs shall receive a charge, as provided in section 57.280, RSMo, for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, as provided in section 57.280, RSMo, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars, as provided in section 57.280, RSMo; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled, as provided in section 57.280, RSMo, to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to section 57.280, RSMo, shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of such charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge**

provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall, as provided in section 57.280, RSMo, receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his or her agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff's costs, as provided in section 57.280, RSMo, for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, as provided in section 57.280, RSMo, going and returning from the courthouse of the county in which he or she resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[455.205.] **488.445. FUNDING SHELTERS—FEES FOR MARRIAGE LICENSES—SURCHARGE FOR FILING OF CIVIL CASE, HOW ESTABLISHED, AMOUNT—REPORTS.**—1. The governing body of any county, or of any city not within a county, by order or ordinance to be effective prior to January 1, 2000, may impose a fee upon the issuance of a marriage license and may impose a surcharge upon any civil case filed in the circuit court under the provisions of section 452.305, RSMo. The surcharge shall not be charged when no court costs are otherwise required, and shall not be charged when costs are waived or are to be paid by the state, county or municipality.

2. The fee imposed upon the issuance of a marriage license shall be five dollars, shall be paid by the person applying for the license[,] and shall be collected by the recorder of deeds at the time the license is issued. The surcharge imposed upon the filing of a civil action shall be two dollars, shall be paid by the party who filed the petition[,] and shall

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be collected and disbursed by the clerk of the court in the manner provided by sections 488.010 to 488.020[, RSMo]. Such amounts shall be payable to the treasuries of the counties from which such surcharges were paid.

3. At the end of each month, the recorder of deeds shall file a verified report with the county commission of the fees collected pursuant to the provisions of subsection 2 of this section. The report may be consolidated with the monthly report of other fees collected by such officers. Upon the filing of the reports the recorder of deeds shall forthwith pay over to the county treasurer all fees collected pursuant to subsection 2 of this section. The county treasurer shall deposit all such fees upon receipt in a special fund to be expended only to provide financial assistance to shelters for victims of domestic violence as provided in sections 455.200 to 455.230, **RSMo**.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[478.401.] **488.447. COURT RESTORATION FUND—SPECIAL SURCHARGE IN CIVIL CASES TO BE DEPOSITED IN FUND—EXEMPT CASES—EXPIRES WHEN.**—1. The circuit and associate circuit judges of the circuit court in any city not within a county shall require any party filing a civil case in the circuit court, at the time of filing suit, to deposit with the circuit clerk a surcharge in the amount of thirty-five dollars, in addition to all other court costs now or hereafter required by law or court rule, and no summons shall be issued until such surcharge has been paid. This section shall not apply to proceedings when costs are waived or paid by the state, county or municipality.

2. Such funds shall be payable to the treasury of any city not within a county to be credited to a courthouse restoration fund, which shall bear interest, to be used by any city not within a county only for the restoration, maintenance[,] and upkeep of the courthouses; provided, that the courthouse restoration fund may be pledged to directly or indirectly secure bonds to fund such costs. All funds collected pursuant to this section before August 28, 1995, shall be credited to the courthouse restoration fund provided for in this section, to be used pursuant to the provisions of this section.

3. This section shall expire on August 28, 2033.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.470. LAWFUL FENCES, GATES, LIABILITY TO ERECT OR MAINTAIN, WHEN — RECOVERY OF COSTS, ATTORNEY FEES. —** If any railroad corporation formed or to be formed in this state, and any corporation to be formed pursuant to chapter 389, RSMo, or any railroad corporation running or operating any railroad in this state fails, neglects or refuses to erect or maintain in good condition any fence, openings or farm crossings or cattle guards as required by section 389.650, RSMo, then the owners or proprietors of such lands, fields or enclosures may erect or repair such fences, openings, gates or farm crossings or cattle guards, and shall thereupon have a right to sue and recover from such corporation as provided in section 389.650, RSMo. In such action, if the plaintiff recovers judgment, there shall be taxed, pursuant to section 389.650, RSMo, as costs against the defendant an attorney's fee, to be fixed by the court or associate circuit judge before which or whom the cause may be pending, at such sum as may be a reasonable compensation for all legal services rendered for plaintiff in the case, without regard to any agreement between plaintiff and his or her counsel as to fees; but such fee shall not be taxed so long as any appeal taken in such case shall remain undisposed of.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.472. LIABILITY FOR DAMAGES, TELECOMMUNICATIONS COMPANY — RECOVERY OF ATTORNEY FEES, WHEN. —** In case any telecommunications company shall do or cause to be done or permit to be done any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to do any act, matter or other thing required to be done by chapter 392, RSMo, or by any order or decision of the commission, such telecommunications company shall be liable to the person or corporation affected thereby for all loss, damage or injury caused thereby or resulting therefrom, and in case of recovery, if the court shall find that such an act or omission was willful, it may, in its discretion, pursuant to section 392.350, RSMo,

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**fix a reasonable counsel or attorney's fee, which fee shall be taxed and collected as a part of the costs in the action.**

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.473. CONDEMNATION OF PROPERTY BY UTILITY, PAYMENT OF COSTS — COMPENSATION OF COMMISSIONERS FOR SERVICES, TAXED AS COSTS.— The cost of the proceeding to appropriate property as provided in section 393.080, RSMo, shall be paid by the corporation, company or individual seeking the appropriation for gas, electric, water and sewer corporations, up to and including the filing and copying of the report of the commissioners, and the court, as to any cost made by any subsequent litigation, may make such order as in its discretion may be deemed just. The court shall, pursuant to section 393.080, RSMo, allow the commissioners a reasonable compensation for their services, which shall be taxed as costs in the proceedings.**

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.474. UTILITY RIGHT OF ACCESS, WRONGFUL ACTION — RECOVERY OF COSTS.— 1. If, at the hearing on the delivery of access to the utility meter under section 393.557, RSMo, the court specifically finds, on the basis of the record at such hearing, that the utility company willfully and wrongfully instituted an action under sections 393.550 to 393.565, RSMo, the utility customer in default may be entitled to any damages which might be incurred by such utility customer in default as a direct result of such actions by the utility company, together with reasonable attorney fees.**

**2. Costs may be taxed in the discretion of the court pursuant to section 393.561, RSMo, and the court shall direct which party is obligated to pay the sheriff's expenses referred to in section 393.559, RSMo.**

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[479.261. 1.] **488.607. ADDITIONAL SURCHARGES AUTHORIZED FOR MUNICIPAL AND ASSOCIATE CIRCUIT COURTS FOR CITIES AND TOWNS HAVING SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE, AMOUNT, EXCEPTIONS.**—In addition to all other court costs for county or municipal ordinance violations, any county or any city having a shelter for victims of domestic violence established pursuant to sections 455.200 to 455.230, RSMo, or any municipality within a county which has such shelter, or any county or municipality whose residents are victims of domestic violence and are admitted to such shelters may, by order or ordinance to be effective prior to January 1, 2000, provide for an additional surcharge in the amount of two dollars per case for each criminal case including county or municipal ordinance violation case filed before a municipal division judge or associate circuit judge. No surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharges collected by municipal clerks in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, **RSMo**, or to employ judicial personnel pursuant to section 479.060, **RSMo**, shall be disbursed to the city at least monthly, and such surcharges collected by circuit court clerks shall be collected and disbursed as provided by sections 488.010 to 488.020[, RSMo]. Such fees shall be payable to the city or county wherein such fees originated. The county or city shall use such moneys only for the purpose of providing operating expenses for shelters for battered persons as defined in sections 455.200 to 455.230, RSMo.

[2.] **43.545. HIGHWAY PATROL TO INCLUDE INCIDENTS OF DOMESTIC VIOLENCE IN CRIME INDEX.**—The state highway patrol shall include in its voluntary system of reporting for compilation in the "Missouri Crime Index" all reported incidents of domestic violence, whether or not an arrest is made. All incidents shall be reported on forms provided by the highway patrol and in a manner prescribed by the patrol. For purposes of this [subsection] **section** only, "domestic violence" shall be defined as any dispute arising between spouses, former spouses, persons related by blood or marriage, individuals who are presently residing together or have resided together in the past and persons who have a child in common regardless of whether they have been married or have resided together at any time.

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EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.627. DISPOSITIONAL HEARING FOR JUVENILE, WITNESS FEE AND MILEAGE ALLOWANCE.—**In a dispositional hearing for a juvenile pursuant to section 211.459, RSMo, the court may require any and all investigating division personnel connected with the particular case to testify without privilege and subject to the rules of cross-examination. Such witnesses shall receive as compensation the witness fee and mileage provided in civil cases.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.633. FRIEND OF COURT IN CHILD SUPPORT MATTERS, COMPENSATION (CITY OF ST. LOUIS AND ST. LOUIS COUNTY).—**The circuit judges of the circuit courts of the City of St. Louis and St. Louis County may appoint at least one "friend of the court" in child support matters, pursuant to section 478.422, RSMo. As compensation for his or her services the friend of the court shall, pursuant to section 478.422, RSMo, be allowed a fee in each case of not to exceed fifty dollars which shall be taxed as costs.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.635. SURCHARGE COLLECTED, DEPOSIT INTO DOMESTIC RELATIONS RESOLUTION FUND.—**In addition to any other court costs required to institute an action in the circuit division of the circuit court, a surcharge of three dollars shall be paid pursuant to section 452.552, RSMo, by the person filing such action. The surcharge shall be collected and disbursed in a manner provided by sections 488.012 to 488.020 by the court clerk at the time the petition is filed and shall be payable to the director of revenue for deposit in the domestic relations resolution fund established in section 452.554, RSMo.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[485.100.] **488.2250. FEES FOR TRANSCRIPT OF NOTES—JUDGE MAY ORDER TRANSCRIPT, WHEN—TAXING OF FEES.**—For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of one dollar and fifty cents per twenty-five line page for the original of the transcript, and the sum of thirty-five cents per twenty-five line page for each carbon copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three transcripts in duplication of the notes of the evidence, for the original of which he shall receive one dollar and fifty cents per legal page and for the copies twenty cents per page. The payment of court reporter's fees provided in this section shall be made by the state upon a voucher approved by the court.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[485.120.] **488.2253. FEES, AMOUNT, PAYMENT.**—In every contested case, or case in which the evidence is to be preserved, except for the collection of delinquent or back taxes, before any circuit judge when an official court reporter is appointed, the clerk of said court shall tax up the sum of fifteen dollars, to be collected as other costs, and paid by said clerk to the director of revenue of the state.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[483.591.] **488.2275. ADDITIONAL SURCHARGE AUTHORIZED FOR GREENE COUNTY FOR CRIMINAL CASES, VIOLATIONS OF COUNTY AND CITY ORDINANCES, EXCEPTIONS—USE OF REVENUE.**—1. In addition to all other court costs prescribed by law, a surcharge of ten dollars shall

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be assessed as costs in each court proceeding filed in any court in the state located within a county of the first classification with a population of at least two hundred thousand inhabitants which does not adjoin any other county of the first classification in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including infractions, except that no such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed as provided by sections 488.010 to 488.020[, RSMo,] and shall be payable to the treasurer of the county where the violation occurred.

2. Each county shall use all funds received under this section only to pay for the costs associated with the operation of the county judicial facility including, but not limited to, utilities, maintenance and building security. The county shall maintain records identifying such operating costs, and any moneys not needed for the operating costs of the county judicial facility shall be transmitted quarterly to the general revenue fund of the county.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[487.170.] **488.2300. FAMILY SERVICES AND JUSTICE FUND ESTABLISHED, WHERE—PURPOSE—SURCHARGE, COLLECTION, PAYMENT—FUNDINGS FOR ENHANCED SERVICES, CONDITIONS—REIMBURSEMENT FOR COSTS OF SALARIES.—**1. A "Family Services and Justice Fund" is hereby established in each county or circuit with a family court, for the purpose of aiding with the operation of the family court divisions and services provided by those divisions. In circuits or counties having a family court, the circuit clerk shall charge and collect a surcharge of thirty dollars[, ] in all proceedings falling within the jurisdiction of the family court. The surcharge shall not be charged when no court costs are otherwise required, shall not be charged for actions filed pursuant to the provisions of chapter 455, RSMo, shall not be

charged to a government agency[,] and shall not be charged in any proceeding when costs are waived or are to be paid by the state, county or municipality.

2. In juvenile proceedings under chapter 211, RSMo, a judgment of up to thirty dollars may be assessed against the child, parent or custodian of the child, in addition to other amounts authorized by law, in informal adjustments made under the provisions of sections 211.081 and 211.083, RSMo, and in an order of disposition or treatment under the provisions of section 211.181, RSMo. The judgment may be ordered paid to the clerk of the circuit where the assessment is imposed and shall be collected and disbursed in the manner provided by sections 488.010 to 488.020[, RSMo].

3. All sums collected pursuant to this section and section 487.140, **RSMo**, shall be payable to the various county family services and justice funds.

4. Any moneys in the family services and justice fund not expended for salaries of commissioners, family court administrators[,] and family court staff shall be used toward funding the enhanced services provided as a result of the establishment of a family court; however, it shall not replace or reduce the current and ongoing responsibilities of the counties to provide funding for the courts as required by law. Moneys collected for the family services and justice fund shall be expended for the benefit of litigants and recipients of services in the family court, with priority given to services such as mediation, counseling, home studies, psychological evaluation and other forms of alternative dispute-resolution services. Expenditures shall be made at the discretion of the presiding judge or family court administrative judge, as designated by the circuit and associate circuit judges en banc, for the implementation of the family court system as set forth in this section. No moneys from the family services and justice fund may be used to pay for mediation in any cause of action in which domestic violence is alleged.

5. From the funds collected pursuant to this section and retained in the family services and justice fund, each circuit or county in which a family court commissioner in addition to those commissioners existing as juvenile court commissioners on August 28, 1993, have been appointed pursuant to sections 487.020 to 487.040, **RSMo**, shall pay to and reimburse the state for the actual costs of that portion of the salaries of family court commissioners appointed pursuant to the provisions of sections 487.020 to 487.040, **RSMo**.

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6. No moneys deposited in the family services and justice fund may be expended for capital improvements.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.4014. COURT COSTS IN CIVIL AND CRIMINAL CASES, EXCEPTIONS — COLLECTION AND DEPOSIT PROCEDURE — DISTRIBUTION — COUNTY ENTITLED TO JUDGMENT, WHEN. — 1. A fee of ten dollars, as provided in section 67.133, RSMo, shall be assessed in all cases in which the defendant is convicted of violating any provision of chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, and any infraction otherwise provided by law, twenty-five dollars in all misdemeanor cases otherwise provided by law, and seventy-five dollars in all felony cases, in criminal cases including violations of any county ordinance or any violation of a criminal or traffic law of the state, except that no such fees shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. All fees collected under the provisions of section 67.133, RSMo, shall be collected and disbursed in the manner provided by sections 488.010 to 488.020 and payable to the county treasurer who shall deposit those funds in the county treasury.**

**2. Counties shall be entitled to a judgment in the amount of twenty-five percent of all sums collected, pursuant to section 67.133, RSMo, on recognizances given to the state in criminal cases, which are or may become forfeited, if not more than five hundred dollars, and fifteen percent of all sums over five hundred dollars, to be paid out of the amount collected.**

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.5017. SURCHARGE IN CRIMINAL AND INFRACTION CASES, EXCEPTIONS. — A surcharge of one dollar, as provided for in section 56.765, RSMo, shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of a criminal or traffic law of the state, including an infraction; except that no such**

**surcharge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality.**

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.5320. CHARGES IN CRIMINAL CASES, SHERIFFS AND OTHER OFFICERS. — 1. Sheriffs, county marshals or other officers shall be allowed a charge, as provided in section 57.290, RSMo, for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, excluding cases disposed of by a traffic violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020, RSMo, and shall be payable to the county treasury.**

**2. The sheriff receiving any charge pursuant to section 57.290, RSMo, shall reimburse the sheriff of any other county or the City of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to section 57.290, RSMo.**

**3. As provided in section 57.290, RSMo, in cities and counties having a population of three hundred thousand inhabitants and over, each deputy sheriff, but not more than two deputy sheriffs, shall be allowed six dollars for each day during the term of court, to be paid by the city or county having a population of three hundred thousand inhabitants or over.**

**4. For the services of taking convicted offenders to the reception and diagnostic center designated by the director of the department of corrections, the sheriff, county marshal or other officers shall, as provided in section 57.290, RSMo, receive the sum of eight dollars per day for the time actually and necessarily employed in traveling to and from the reception and diagnostic center, and each guard shall, as provided in section 57.290, RSMo, receive the sum of six dollars per day for the same, and the sheriff, county marshal or**

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other officer and guard shall, as provided in section 57.290, RSMo, receive the mileage rate prescribed by section 57.290, RSMo, for the distance necessarily traveled in going to and returning from the reception and diagnostic center, the time and distance to be estimated by the most usually traveled route from the place of departure to the reception and diagnostic center; the mileage rate prescribed by section 57.290, RSMo, for each mile traveled shall be allowed to the sheriff to cover all expenses on each convicted offender while being taken to the reception and diagnostic center; and all persons convicted and sentenced to imprisonment in the department of corrections at any term or sitting of the court, shall be taken to the reception and diagnostic center at the same time, unless prevented by sickness or unavoidable accident. In cities having a population of two hundred thousand inhabitants or more, convicted offenders shall be taken to the reception and diagnostic center as often as the sheriff deems necessary. When three or more convicted offenders are being taken to the reception and diagnostic center at one time, a guard may be employed, as provided in section 57.290, RSMo, but no guard shall be employed for a less number of convicted offenders except upon the order, entered of record, of the judge of the court in which the conviction was had, and any additional guards employed by order of the judge shall, in no event, exceed one for every three convicted offenders; and before any claim for taking convicted offenders to the reception and diagnostic center is allowed, the sheriff, or other officer conveying such convicted offender, shall file with the state commissioner of administration an itemized statement of such sheriff's account, in which the sheriff shall give the name of each convicted offender conveyed and the name of each guard actually employed, with the number of miles necessarily traveled and the number of days required, which in no case shall exceed three days, and which account shall be signed and sworn to by such officer and accompanied by a certificate from the chief administrative officer or such officer's designee of the reception and diagnostic center, that such convicted offenders have been delivered at the reception and diagnostic center and were accompanied by each of the officers and guards named in the account.

5. The sheriff or other officer who shall take a person, charged with a criminal offense, from the county in which the offender is apprehended to that in which the offense was committed, or who

may remove a prisoner from one county to another for any cause authorized by law, or who shall have in custody or under such sheriff's or officer's charge any person undergoing an examination preparatory to such person's commitment more than one day for transporting, safekeeping and maintaining any such person, shall be allowed by the court having cognizance of the offense, three dollars and fifty cents per day, as provided in section 57.290, RSMo, for every day such sheriff or officer may have such person under such sheriff's or officer's charge, when the number of days shall exceed one, and the mileage rate prescribed by section 57.290, RSMo, for every mile necessarily traveled in going to and returning from one county to another, and the guard employed, who shall in no event exceed the number allowed the sheriff, marshal or other officer in transporting convicted offenders to the reception and diagnostic center, shall be allowed, as provided in section 57.290, RSMo, the same compensation as the officer. Three dollars and fifty cents per day, mileage same as officer, shall be allowed for board and all other expenses of each prisoner. No compensation shall be allowed under this section for taking the prisoner or prisoners from one place to another in the same county, excepting in counties which have two or more courts with general criminal jurisdiction. In such counties the sheriff shall have the same fees for conveying prisoners from the jail to place of trial as are allowed for conveying prisoners in like cases from one county to another, and the expenses incurred in transporting prisoners from one county to another, occasioned by the insufficiency of the county jail or threatened mob violence, shall be paid by the county in which such case may have originated; provided that the court is held at a place more than five miles from the jail; and no court shall allow the expense of a guard, although it may have actually been incurred, unless from the evidence of disinterested persons it shall be satisfied that a guard was necessary; provided, that when the place of conviction is remote from a railroad, upon which a convicted offender may be transported to the reception and diagnostic center, the court before which such convicted offender is sentenced may, for good cause shown, allow one guard for every two convicted offenders, such guard to receive three dollars a day and the mileage rate prescribed by section 57.290, RSMo, for every mile necessarily traveled in going to and returning from the nearest depot on such railroad to the place where such convicted offender was sentenced.

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6. The charges provided in subsection 1 of this section shall be taxed as other costs in criminal procedure immediately after conviction of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

7. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to section 57.290, RSMo, at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[561.035.] **488.5332. SURCHARGE IN CRIMINAL CASES, WHEN, EXCEPTIONS—PAYMENT TO INDEPENDENT LIVING CENTER FUND.**—In all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of this state, including an infraction, there shall be assessed as costs a surcharge in the amount of fifty cents. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020[, RSMo]. Moneys collected from this surcharge shall be payable to the independent living center fund created in section 178.653, RSMo.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[577.048.] **488.5334. REIMBURSEMENT OF COSTS OF ARREST, WHEN—LIMITATIONS.**— Upon a plea of guilty or a finding of guilty for

an offense of violating the provisions of section 577.010 or 577.012, **RSMo**, or violations of county or municipal ordinances involving alcohol or drug-related traffic offenses, the court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the state or local law enforcement agency which made the arrest for the costs associated with such arrest. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical test made under [this] chapter **577, RSMo**, to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody. The state and each local law enforcement agency may establish a schedule of such costs; however, the court may order the costs reduced if it determines that the costs are excessive.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[590.140.] **488.5336. COURT COSTS MAY BE INCREASED, AMOUNT, HOW, EXCEPTIONS, DEPOSIT—ADDITIONAL ASSESSMENT—USE OF FUNDS—AMOUNT OF REIMBURSEMENT.—1.** A surcharge of two dollars may be assessed as costs in each criminal case involving violations of any county ordinance or a violation of any criminal or traffic laws of the state, including infractions, or violations of municipal ordinances, provided that no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. Any such surcharge shall be authorized by the county or municipality and written notice given to the supreme court of such authorization prior to December first of the year preceding the state fiscal year during which such surcharge is to be collected and disbursed in the manner provided by sections 488.010 to 488.020[, RSMo]. If imposed by a municipality, such surcharges shall be collected by the clerk of the municipal court responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer of the municipality where the violation occurred in cases of violations of municipal ordinances. If

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imposed by a county, such surcharges shall be collected and disbursed as provided in sections 488.010 to 488.020[, RSMo]. Such surcharges shall be payable to the treasurer of the county where the violation occurred in the case of violations of the general criminal laws of the state or county ordinances. An additional surcharge in the amount of one dollar shall be assessed as provided in this section, and shall be collected and disbursed as provided in sections 488.010 to 488.020[, RSMo,] and payable to the state treasury to the credit of the peace officer standards and training commission fund created in section 590.178, **RSMo**. Such surcharges shall be in addition to the court costs and fees and limits on such court costs and fees established by section 66.110, RSMo, and section 479.260, RSMo.

2. Each county and municipality shall use all funds received under this section only to pay for the training required as provided in sections 590.100 to 590.180, **RSMo**, or for the training of county coroners and their deputies. No county or municipality shall retain more than one thousand five hundred dollars of such funds for each certified law enforcement officer, candidate for certification employed by that agency or a coroner and the coroner's deputies. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipality treasury which assessed the costs.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.5339. SURCHARGE FOR CRIME VICTIMS' COMPENSATION FUND, EXCEPTIONS — SURCHARGE IN JUVENILE COURT PROCEEDINGS WHERE CHILD ALLEGEDLY VIOLATES STATE LAW OR MUNICIPAL ORDINANCE — DISBURSEMENT. — 1. There is created in section 595.045, RSMo, the crime victims' compensation fund. A surcharge of five dollars shall be assessed pursuant to section 595.045, RSMo, as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. A surcharge of five dollars shall be assessed pursuant to section 595.045, RSMo, as costs in a juvenile court proceeding in which a**

child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.5342. APPOINTMENT OF SUBSTITUTE PROSECUTOR, WHEN — FEES.**— When a prosecutor is unable to appear in court as provided in sections 56.110 and 56.120, RSMo, the person appointed shall possess the same power as the proper officer would if he or she was present and shall receive a reasonable fee pursuant to the provisions of section 56.130, RSMo, for each case prosecuted to be fixed by the court and to be taxed and paid as other costs in criminal cases.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.5345. COST OF NECESSARY CLOTHING FOR PRISONER, HOW PAID.**— In case of any prisoner confined in any jail in this state on a charge of felony being in want of needful and necessary clothing, it shall be the duty of the jailer to procure the same, and to present his or her account therefor to the court having criminal jurisdiction for the county; and on such court being satisfied of the correctness of such account, shall certify the same for payment as provided in section 221.140, RSMo, as other costs in criminal cases, to the state auditor.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.5356. CHANGE OF VENUE, COSTS ALLOWED WHEN.**— The costs and expenses necessarily incurred in the change of venue pursuant to section 545.620, RSMo, shall be adjusted and allowed by the court wherein the cause is tried, and shall be taxed as other costs in such cause.

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EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.5358. DRUG COURT OPERATIONS, SURCHARGE FOR, EXCEPTIONS (JACKSON COUNTY).—**The court administrator of the sixteenth judicial circuit shall, pursuant to section 478.466, RSMo, charge and collect a surcharge of thirty dollars in all proceedings assigned to the drug commissioner for disposition, provided that the surcharge shall not be charged in any proceeding when costs are waived or are to be paid by the state, county or municipality. Moneys obtained from such surcharge shall be collected and disbursed in the manner provided by sections 488.010 to 488.020 and payable to the drug commissioner for operation of the drug court.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

**488.6697. RECORDING OF ORDER OF CONSOLIDATION — FEE.—**Each recorder and each clerk shall receive, for filing an order of consolidation of a fire protection district as provided in section 321.470, RSMo, a fee of one dollar, to be charged as costs in the proceeding.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

Approved June 27, 2000

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SB 1053 [CCS HS SB 1053]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Profiling for traffic stops.**

AN ACT to amend chapter 590, RSMo, relating to peace officers by adding thereto two new sections relating to profiling for traffic stops.

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## SECTION

A. Enacting clause.

590.650. Racial profiling — minority group defined — reporting requirements — annual report — review of findings — failure to comply — funds for audio-visual equipment.

590.653. Civilian review board — powers, duties.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.**— Chapter 590, RSMo, is amended by adding thereto two new sections, to be known as sections 590.650 and 590.653, to read as follows:

**590.650. RACIAL PROFILING — MINORITY GROUP DEFINED — REPORTING REQUIREMENTS — ANNUAL REPORT — REVIEW OF FINDINGS — FAILURE TO COMPLY — FUNDS FOR AUDIO-VISUAL EQUIPMENT.**— **1.** As used in this section "minority group" means individuals of African, Hispanic, Native American or Asian descent.

**2.** Each time a peace officer stops a driver of a motor vehicle for a violation of any motor vehicle statute or ordinance, that officer shall report the following information to the law enforcement agency that employs the officer:

**(1)** The age, gender and race or minority group of the individual stopped;

**(2)** The traffic violation or violations alleged to have been committed that led to the stop;

**(3)** Whether a search was conducted as a result of the stop;

**(4)** If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search;

**(5)** Whether any contraband was discovered in the course of the search and the type of any contraband discovered;

**(6)** Whether any warning or citation was issued as a result of the stop;

**(7)** If a warning or citation was issued, the violation charged or warning provided;

**(8)** Whether an arrest was made as a result of either the stop or the search;

**(9)** If an arrest was made, the crime charged; and

**(10)** The location of the stop.

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Such information may be reported using a format determined by the department of public safety which uses existing citation and report forms.

3. (1) Each law enforcement agency shall compile the data described in subsection 2 of this section for the calendar year into a report to the attorney general.

(2) Each law enforcement agency shall submit the report to the attorney general no later than March first of the following calendar year.

(3) The attorney general shall determine the format that all law enforcement agencies shall use to submit the report.

4. (1) The attorney general shall analyze the annual reports of law enforcement agencies required by this section and submit a report of the findings to the governor, the general assembly and each law enforcement agency no later than June first of each year.

(2) The report of the attorney general shall include at least the following information for each agency:

(a) The total number of vehicles stopped by peace officers during the previous calendar year;

(b) The number and percentage of stopped motor vehicles that were driven by members of each particular minority group;

(c) A comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises; and

(d) A compilation of the information reported by law enforcement agencies pursuant to subsection 2 of this section.

5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:

(1) Prohibits the practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law;

(2) Provides for periodic reviews by the law enforcement agency of the annual report of the attorney general required by subsection 4 of this section that:

(a) Determine whether any peace officers of the law enforcement agency have a pattern of stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups residing or traveling within the jurisdiction of the law enforcement agency; and

(b) If the review reveals a pattern, require an investigation to determine whether any peace officers of the law enforcement agency

routinely stop members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law;

(3) Provides for appropriate counseling and training of any peace officer found to have engaged in race-based traffic stops within ninety days of the review; and

(4) Provides for annual sensitivity training for any employees who may conduct stops of motor vehicles regarding the prohibition against racial profiling.

The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment.

6. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency.

7. Each law enforcement agency in this state may utilize federal funds from community-oriented policing services grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone.

**590.653. CIVILIAN REVIEW BOARD — POWERS, DUTIES.** — 1. Each city, county and city not within a county may establish a civilian review board, or may use an existing civilian review board which has been appointed by the local governing body, with the authority to investigate allegations of misconduct by local law enforcement officers towards members of the public. The members shall not receive compensation but shall receive reimbursement from the local governing body for all reasonable and necessary expenses.

2. The board shall have the power to receive, investigate, make findings and recommend disciplinary action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings and recommendations of the board, and the basis therefor, shall be submitted to the chief law enforcement official. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such findings or recommendations.

Approved June 5, 2000

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**HB 1396 [SCS HB 1396]**

AN ACT to repeal sections 172.360, 174.620 and 175.021, RSMo 1994, and sections 172.020, 172.037, 174.610 and 175.020, RSMo Supp. 1999, relating to public schools, and to enact in lieu thereof fifteen new sections relating to the same subject.

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**HB 1596 [HB 1596]**

AN ACT to amend chapter 375, RSMo, relating to insurance companies by adding thereto one new section relating to the same subject.

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**SB 867 [HS SS SCS SB 867 & 552]**

AN ACT to repeal sections 135.500, 135.503 and 135.516, RSMo Supp. 1999, relating to tax credit programs, and to enact in lieu thereof five new sections relating to the same subject.

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**SB 892 [HS SB 892]**

AN ACT to repeal section 221.120, RSMo Supp. 1999, relating to medical expenses of prisoners, and to enact in lieu thereof one new section relating to the same subject.

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**SB 921 [SB 921]**

AN ACT to repeal section 334.128, RSMo 1994, and section 334.120, RSMo Supp. 1999, relating to professional registration, and to enact in lieu thereof two new sections relating to the same subject.

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**RESOLUTIONS****PROPOSED AMENDMENTS TO CONSTITUTION OF MISSOURI****SJR 35 [CCS HCS SS SS#3 SJR 35]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**ELIMINATES THE SALARY COMMISSION.**

**JOINT RESOLUTION** Submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri citizens' commission on the compensation for elected officials, and adopting one new section in lieu thereof relating to the same subject.

**SECTION**

- A. Amending clause.
3. Compensation of state elected officials, general assembly members and judges to be set by Missouri citizens' commission on compensation — members, qualifications, terms, removal, vacancies, duties — procedure.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2000, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article XIII of the Constitution of the state of Missouri:

**SECTION A. AMENDING CLAUSE.** — Section 3, article XIII, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 3, to read as follows:

**SECTION 3. COMPENSATION OF STATE ELECTED OFFICIALS, GENERAL ASSEMBLY MEMBERS AND JUDGES TO BE SET BY MISSOURI CITIZENS' COMMISSION ON COMPENSATION— MEMBERS, QUALIFICATIONS, TERMS, REMOVAL, VACANCIES, DUTIES — PROCEDURE.** — 1. Other provisions of this constitution to the contrary notwithstanding, in order to ensure that the power to control the rate of compensation of elected officials of this state is retained and exercised by the tax paying citizens of the state, after the effective date of this section no elected state official, member of the general assembly, or judge, except municipal judges, shall, **subject to appropriations for each such position and in such amounts as set by the general assembly**, receive compensation for the performance of their duties [other than] in [the] **an amount in excess of that** established for each office by the Missouri [citizen's] **citizens'**

commission on compensation for elected officials established pursuant to the provisions of this section. The term "compensation" includes the **annual** salary rate **heretofore** established by law[, mileage allowances, per diem expense allowances].

2. There is created a commission to be known as the "Missouri [Citizen's] **Citizens'** Commission on Compensation for Elected Officials". The Commission shall be selected in the following manner:

(1) One member of the commission shall be selected at random by the secretary of state from each congressional district from among those registered voters eligible to vote at the time of selection. The secretary of state shall establish policies and procedures for conducting the selection at random. In making the selections, the secretary of state shall establish a selection system to ensure that no more than five of the members shall be from the same political party. The policies shall include, but not be limited to, the method of notifying persons selected and for providing for a new selection if any person declines appointment to the commission;

(2) One member shall be a retired judge appointed by the judges of the supreme court, en banc;

(3) Twelve members shall be appointed by the governor, by and with the advice and consent of the senate. Not more than six of the appointees shall be members of the same political party. Of the persons appointed by the governor, one shall be a person who has had experience in the field of personnel management, one shall be a person who is representative of organized labor, one shall be a person representing small business in this state, one shall be the chief executive officer of a business doing an average gross annual business in excess of one million dollars, one shall be a person representing the health care industry, one shall be a person representing agriculture, two shall be persons over the age of sixty years, four shall be citizens of a county of the third classification, two of such citizens selected from a county of the third classification shall be selected from north of the Missouri River and two shall be selected from south of the Missouri River. No two persons selected to represent a county of the third classification shall be from the same county nor shall such persons be appointed from any county represented by an appointment to the commission by the secretary of state pursuant to subdivision (1) of this subsection.

3. All members of the commission shall be residents and registered voters of the state of Missouri. Except as otherwise specifically provided in this section, No state official, no member of the general assembly, no active judge of any court, no employee of the state or any of its institutions, boards, commissions, agencies or other entities, no elected or appointed official or employee of any political subdivision of the state, and no lobbyist as defined by law shall serve as a member of the commission. No immediate family member of any person ineligible for service on the commission under the provisions of this subsection may serve on the commission. The phrase "immediate family" means the parents, spouse, siblings, children, or dependant relative of the person whether or not living in the same household.

4. Members of the commission shall hold office for a term of four years. No person may be appointed to the commission more than once. No member of the commission may be removed from office during the term for which appointed except for incapacity, incompetence, neglect of duty, malfeasance in office, or for a disqualifying change of residence. Any action for removal shall be brought by the

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attorney general at the request of the governor and shall be heard in the circuit court for the county in which the accused commission member resides.

5. The first appointments to the commission shall be made not later than February 1, 1996, and not later than February first every four years thereafter. All appointments shall be filed with the secretary of state, who shall call the first meeting of the commission not later than March 1, 1996, **and not later than March first every four years thereafter** and shall preside at the first meeting until the commission is organized. The members of the commission shall organize and elect a chairperson and such other officers as the commission finds necessary.

6. Upon a vacancy on the commission, a successor shall be selected and appointed to fill the unexpired term in the same manner as the original appointment was made. The appointment to fill a vacancy shall be made within thirty days of the date the position becomes vacant.

7. Members of the commission shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties from appropriations made for that purpose.

8. The commission shall, beginning in 1996, and every two years thereafter, review and study the relationship of compensation to the duties of all elected state officials, all members of the general assembly, and all judges, except municipal judges, and shall fix the **proposed** compensation for each respective position. The commission shall file its initial schedule of compensation with the secretary of state and the revisor of statutes no later than the first day of December, 1996, and by the first day of December each two years thereafter. [The schedule of compensation shall become effective unless disapproved by concurrent resolution adopted by the general assembly before February 1 of the year following the filing of the schedule.] Each schedule shall be published [by the secretary of state as a part of the session laws of the general assembly and may also be published] as a separate publication [at the discretion of] **by** the secretary of state. [The schedule shall also be published by the revisor of statutes as a part of the revised statutes of Missouri.] The schedule shall[, subject to appropriations,] apply and represent the compensation for each affected [person] **position** beginning on the first day of July following the filing of the schedule **subject to an appropriation for each such position and in such amounts as set by the general assembly. The general assembly shall not appropriate funds which retroactively increase the salary of persons whose compensation is fixed by the commission. In addition to any compensation established by the schedule or a per diem established by law, the general assembly may provide by appropriation for [periodic uniform general cost-of-living increases or decreases for all employees of the state of Missouri and such cost-of-living increases or decreases may also be extended to those persons] a salary adjustment for those positions affected by the compensation schedule fixed by the commission. [No cost-of-living increase or decrease granted to any person] The salary adjustment for those positions affected by the schedule shall not exceed the [uniform general increase or decrease provided for all other state employees by the general assembly] salary adjustment applicable to other state employees at a similar salary level.**

9. Prior to the filing of any compensation schedule, the commission shall hold no less than four public hearings on such schedule, at different geographical locations

within the state, within the four months immediately preceding the filing of the schedule. All meetings, actions, hearings, and business of the commission shall be open to the public, and all records of the commission shall be available for public inspection.

10. [Until the first day of July next after the filing of the first schedule by the commission, compensation of the persons affected by this section shall be that in effect on the effective date of this amendment.

11.] Schedules filed by the commission shall be subject to referendum upon petition of the voters of this state in the same manner and under the same conditions as a bill enacted by the general assembly.

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### **SJR 50 [SJR 50]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**PROPOSES A CONSTITUTIONAL AMENDMENT TO ALLOW A PERSON TO PARTICIPATE IN THE MANAGEMENT OF BINGO SIX MONTHS AFTER JOINING THE ORGANIZATION SPONSORING THE BINGO GAMES.**

**JOINT RESOLUTION** Submitting to the qualified voters of Missouri, an amendment repealing section 39(a) of article III of the Constitution of Missouri relating to bingo, and adopting one new section in lieu thereof relating to the same subject.

#### **SECTION**

A. Amending clause.

39(a). Bingo may be authorized — requirements.

*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2000, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri:

**SECTION A. AMENDING CLAUSE.** — Section 39(a), article III, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 39(a), to read as follows:

**SECTION 39(A). BINGO MAY BE AUTHORIZED — REQUIREMENTS.** — The game commonly known as bingo when conducted by religious, charitable, fraternal, veteran

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or service organizations is not a lottery or gift enterprise within the meaning of subdivision (9) of section 39 of this article if the general assembly authorizes by law that religious, charitable, fraternal, service, or veteran organizations may conduct the game commonly known as bingo, upon the payment of the license fee and the issuance of the license as provided for by law. Any such law shall include the following requirements:

(1) All net receipts over and above the actual cost of conducting the game as set by law shall be used only for charitable, religious or philanthropic purposes, and no receipts shall be used to compensate in any manner any person who works for or is in any way affiliated with the licensed organization;

(2) No license shall be granted to any organization unless it has been in continuous existence for at least five years immediately prior to the application for the license. An organization must have twenty bona fide members to be considered to be in existence;

(3) No person shall participate in the management, conduct or operation of any game unless that person:

(a) Has been a bona fide member of the licensed organization for the [two years] **six months** immediately preceding such participation, and volunteers the time and service necessary to conduct the game;

(b) Is not a paid staff person for the licensed organization;

(c) Is not and has never been a professional gambler or gambling promoter;

(d) Has never purchased a tax stamp for wagering or gambling activity;

(e) Has never been convicted of any felony;

(f) Has never been convicted of or pleaded nolo contendere to any illegal gambling activity;

(g) Is of good moral character;

(4) Any person, any officer or director of any firm or corporation, and any partner of any partnership renting or leasing to a licensed organization any equipment or premises for use in a game shall meet all of the qualifications of paragraph (3) except subparagraph (a);

(5) No lease, rental arrangement or purchase arrangement for any equipment or premise for use in a game shall provide for payment in excess of the reasonable market rental rate for such premises and in no case shall any payment based on a percentage of the gross receipts or proceeds be permitted;

(6) No person, firm, partnership or corporation shall receive any remuneration or profit for participating in the management, conduct or operation of the game;

(7) No advertising of any game shall be permitted except on the premises of the licensed organization or through ordinary communications between the organization and its members;

(8) Any other requirement the general assembly finds necessary to insure that any games are conducted solely for the benefit of the eligible organizations and the general community.

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**HOUSE CONCURRENT RESOLUTIONS****HOUSE CONCURRENT RESOLUTION No. 4**

WHEREAS, macular degeneration is an eye disease that occurs when there are changes to the macula, which is small portion of the retina that is located on the inside back layer of the eye, and results in a reduction of central vision and makes seeing details for close work, such as reading, difficult or impossible; and

WHEREAS, macular degeneration is the leading cause of blindness among older Americans, affecting ten million people today. The National Eye Institute estimates that the number could rise to eighteen million people by 2030; and

WHEREAS, there are two types of age-related macular degeneration. The wet form of macular degeneration, which involves only about ten percent of cases, responds to laser treatments in its early stages. The more common dry form is considered untreatable, although some recent research indicates that certain antioxidant vitamins and minerals may help prevent or slow its progression; and

WHEREAS, the exact cause of macular degeneration is unknown, but it may be related to aging, high blood pressure, smoking, and exposure to high levels of ultraviolet radiation and blue light, both found in sunlight; and

WHEREAS, ongoing research and studies have resulted in some encouraging early findings, such as the possible reversal of macular degeneration in its early stages; and

WHEREAS, the state of Missouri, through research, programs and funding, could facilitate the discovery and implementation of promising new treatments, technologies and programs for assistance for the benefit of those persons in the state who are afflicted with this disease:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, that a Joint Interim Committee of the General Assembly be created to be composed of five members of the House of Representatives, to be appointed by the Speaker of the House, with no more than three such members from the same political party, and five members of the Senate, appointed by the President Pro Tem of the Senate, with no more than three such members from the same political party, and that said committee be authorized to function during the interim between the Ninetieth and Ninety-first General Assemblies; and



BE IT FURTHER RESOLVED that said committee make a comprehensive study on macular degeneration, including the solicitation of information from appropriate state agencies and the public on the social, economic, educational and health implications of macular degeneration;

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings as it deems advisable, and that the staffs of House Research, Senate Research and the Committee on Legislative Research provide such legal, research, clerical, technical and bill drafting services requested by the committee; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff personnel assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the Missouri General Assembly by January 1, 2001, and the authority of such committee shall terminate on December 31, 2000; and

BE IT FURTHER RESOLVED that the Chief Clerk of the of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the House of Representatives and the President Pro Tem of the Senate.

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**HOUSE CONCURRENT RESOLUTION NO. 10**

WHEREAS, the legislature determines it is advisable to promote uniformity among the methods used by insurers of this state to value life insurance policies; and

WHEREAS, the National Association of Insurance Commissioners have adopted model regulations for the valuation of life insurance policies which, if used by insurers in this state, would unify the valuation of life insurance policies in this state; and

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, hereby direct the department of insurance to promulgate regulations governing the valuation of life insurance policies and hereby recommend that the department of insurance adopt the "Valuation of Life Insurance Policies Model Regulation" adopted by the National Association of Insurance Commissioners.

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**HOUSE CONCURRENT RESOLUTION NO. 22**

WHEREAS, last session, in Senate Bill No. 386, the general assembly recognized changes made by the United States Congress to Section 451(h) of the Internal Revenue Code, which allow for favorable tax treatment for those pre-October 22, 1998, lottery winners currently receiving annual payments from annuities or securities who elect to receive a single cash payment of the remaining value of their prize within the eighteen-month period between July 1, 1999, and December 31, 2000; and

WHEREAS, as a result of the passage of Senate Bill No. 386 and the signature of such bill by the governor, section 313.351 became law effective August 28, 1999; and

WHEREAS, section 313.351 allows the state lottery commission to authorize pre-October 22, 1998, lottery winners currently receiving annual payments from annuities or securities to elect a single cash payment in lieu of remaining annual payments upon presentation of a plan to the general assembly and receipt of approval therefor from the general assembly by concurrent resolution; and

WHEREAS, the state lottery commission has submitted to the speaker of the house of representatives, the president pro tempore of the senate and the commissioner of the office of administration the details of its plan to allow state lottery prize winners who are currently receiving annual payments to receive the present value of the remaining payments at the date of execution a single cash payment in lieu of remaining annual payments pursuant to Section 451(h) of the Internal Revenue Code; and

WHEREAS, the plan specifies all details required by section 313.351, including details on obtaining the funds necessary to present the option of single cash payments to pre-October 22, 1998, lottery winners, data indicating fifty percent of such winners will choose a lump-sum option, data indicating that a one-time increase of total state revenues would occur in an approximate amount of four million six hundred thousand dollars and the lottery's belief that offering the single cash payments will provide a valuable service to lottery winners:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, hereby determine that the state lottery commission's plan complies with the requirements of section 313.351, and that approving such plan will provide a valuable service to lottery winners which, in turn, will serve to further education in this state; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, hereby approve the state lottery commission's plan for implementing lump-sum payments for pre-October 22, 1998, lottery winners.

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**HOUSE CONCURRENT RESOLUTION NO. 27**

WHEREAS, military retirees who have served honorably for twenty or more years constitute a significant part of the aging population in the United States; and

WHEREAS, these retirees were encouraged to make the United States Armed Forces a career, in part by the promise of lifetime health care for themselves and their families; and

WHEREAS, prior to age sixty-five, these retirees are provided health services by the United States Department of Defense's TRICARE prime program, but those retirees who reach the age of sixty-five lose a significant portion of the promised health care due to Medicaid eligibility; and

WHEREAS, many of these retirees are also unable to access military treatment facilities for health care and life maintenance medications because they live in areas where there are no military treatment facilities or where these facilities have downsized so significantly that available space for care has become nonexistent; and

WHEREAS, the loss of access to health care services provided by the military has resulted in the government breaking its promise of lifetime health care; and

WHEREAS, without continued affordable health care, including pharmaceuticals, these retirees have limited access to quality health care and significantly less care than other retired federal civilians have under the Federal Employees Health Benefits Program; and

WHEREAS, it is necessary to enact legislation that would restore health care benefits equitable with those of other retired federal workers; and

WHEREAS, several proposals to meet this requirement are currently under consideration before the United States Congress and the federal Department of Defense and Department of Health and Human Services; of these proposals, the federal government has already begun to establish demonstration projects around the country to be conducted over the next three years, which would allow Medicare to reimburse the Department of Defense for the costs of providing military retirees and their dependents health care; this project would allow a limited number of Medicare-eligible beneficiaries to enroll in the Department of Defense's TRICARE prime program and receive all of their health care under that program:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, hereby memorialize the Congress of the United States to maintain its commitment to America's military retirees by providing lifetime health care for military retirees over the age of sixty-five; to enact comprehensive legislation that affords military retirees the ability to access health care either through military

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treatment facilities or through the military's network of health care providers, as well as legislation to require opening the Federal Employees Health Benefits Program to those uniformed services beneficiaries who are eligible for Medicare, on the same basis and conditions that apply to retired federal civilian employees; and to enact any other appropriate legislation that would address the above concerns; and

BE IT FURTHER RESOLVED that the Chief Clerk of the of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the Senate and Speaker of the House of Representatives of the United States Congress, and all members of the Missouri Congressional delegation with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States.

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**HOUSE CONCURRENT RESOLUTION NO. 28**

WHEREAS, Kansas City, known as the "Heart of America" and the "City of Fountains", includes more than one hundred thirty-six cities with a population of approximately one million six hundred thousand people; and

WHEREAS, Kansas City offers a diverse selection of shopping and entertainment areas such as Crown Center, Westport and Country Club Plaza, and is home for two impressive art museums, the Nelson-Atkins Museum of Art and the Kemper Museum of Contemporary Art and Design; and

WHEREAS, Kansas City is also big on professional sports with the Truman Sports Complex, home of Kansas City Chiefs football, Kansas City Royals baseball and Kansas City Wizards soccer; Kemper Arena, home of Kansas City Blades IHL hockey and Kansas City Attack NPSL soccer; and Hale Arena in the American Royal Complex where the Explorers play professional tennis; and

WHEREAS, Kansas City's 18th & Vine Historic District attractions include the Kansas City Jazz Museum, the Negro Leagues Baseball Museum and the renovated Gem Theatre Cultural and Performing Arts Center; and

WHEREAS, Kansas City's Liberty Memorial is the country's only memorial and museum dedicated to World War I veterans; and

WHEREAS, June 3, 2000, marks the 150th anniversary of the incorporation of the Town of Kansas in the County of Jackson, Missouri; and

WHEREAS, Kansas City is commemorating its sesquicentennial with a wide range of projects and celebrations, known as "KC150", throughout the year across the Kansas City metropolitan area; and

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WHEREAS, May 26 to June 4, 2000, marks the midpoint for celebrations which will include a May 26, 2000, free public debut performance of a Rob Kapilow symphony inspired by the memories and history of Kansas City and Union Station, a performance on May 28, 2000, by the United States Air Force Band, free admittance to major Kansas City-area museums and entertainment complexes on June 2, 2000, and a "Barbecue and Basie on the Boulevard" day featuring a barbecue contest between professional and backyard barbecue teams; and

WHEREAS, the celebrations will end on January 1, 2001, with the opening of a Century Box that was placed in 1901, and the sealing of a new time capsule to be opened January 2, 2101:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, hereby declare June 3, 2000, to be "KC150 Day" and encourage the people of the state of Missouri, especially those persons in the Kansas City metropolitan area, to support and participate in the year-long celebrations commemorating the 150th Anniversary of Kansas City.

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#### **HOUSE CONCURRENT RESOLUTION No. 29**

WHEREAS, the U.S. Department of Energy is in the second year of a ten-year plan to truck spent nuclear fuel containing weapon-grade plutonium and uranium from South Carolina to a waste storage site in Idaho; and

WHEREAS, last year, the U.S. Department of Energy routed the nuclear waste through the state of Iowa on Interstate 80, which is less traveled and has fewer accidents than other possible interstate routes; and

WHEREAS, for the summer of 2000, the U.S. Department of Energy has decided to reroute the nuclear waste through the state of Missouri on Interstate 70, which has far more traffic, far more accidents and far more maintenance problems than Interstate 80; and

WHEREAS, according to the Missouri Department of Natural Resources, in 1997, 6,242 accidents occurred on I-70 in Missouri compared to 1,574 accidents on I-80 in Iowa, and in 1998, 6,476 accidents occurred on I-70 in Missouri compared to 1,270 accidents on I-80 in Iowa; and

WHEREAS, in February of this year, the Governor of Missouri sent a letter to the U.S. energy secretary opposing the use of Interstate 70 for transportation of nuclear waste, citing the extremely high traffic volume and the large number of planned

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construction projects on Interstate 70 that will reduce traffic flow to a single lane throughout the summer of 2000; and

WHEREAS, in light of the U.S. Department of Energy's goal to protect the public and to protect the nuclear waste material during transportation, the decision of the Department to reroute nuclear waste on Interstate 70 instead of the safer Interstate 80 seems inconsistent with the stated goal of the Department:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, hereby denounce the decision by the United States Department of Energy to reroute nuclear waste through the state of Missouri on Interstate 70 for the summer of 2000 and urge the energy secretary to utilize Interstate 80 for the transportation of nuclear waste; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Bill Richardson, the United States energy secretary.

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**HOUSE CONCURRENT RESOLUTION No. 34**

BE IT RESOLVED by the members of the House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, that the Missouri Committee on Legislative Research shall prepare and cause to be collated, indexed, printed and bound all acts and resolutions of the Ninetieth General Assembly, Second Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that he has compared the same with the original rolls in his office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninetieth General Assembly, Second Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

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**SENATE CONCURRENT RESOLUTIONS****SENATE CONCURRENT RESOLUTION NO. 21**

WHEREAS, Nathaniel J. "Nat" Rivers served the people of the City of St. Louis as a member of the Missouri House of Representatives beginning in 1969, and he continued to serve for the next fourteen years; and

WHEREAS, Nat Rivers was born in Cache, Illinois and educated at Sumner High School in Cairo, Illinois, Southern Illinois University at Carbondale and St. Louis University; and

WHEREAS, Nat Rivers, a real estate and insurance broker, was very active in his community, and served on the Board of Directors of Mid-City Rental Company, Union Sarah Community Corporation, West Side Redevelopment Corporation, West End Congress, Union-Sarah Economic Development Corporation and West Side Community Gardens; and

WHEREAS, Nat Rivers was recognized for his contributions to the St. Louis community through numerous awards, including the St. Louis Citizens Award in Community Service in 1979, the Harris-Stowe College Award in recognition for his concern for Higher Education and Human Development in 1978, and the Dr. Martin Luther King Jr. Human Rights Award in 1979; and

WHEREAS, such awards only begin to recognize Nat Rivers' true accomplishments and contributions to the citizens of St. Louis and the State of Missouri; and

WHEREAS, the most appropriate way to recognize an individual of Nat Rivers' stature is to name a public building after him; and

WHEREAS, the St. Louis Central Office of the Division of Workforce Development, located at 4811 Delmar Boulevard in the City of St. Louis, has no proper name; and

WHEREAS, this St. Louis Central Office provides much needed community services to persons in the St. Louis area, including job service and development, job corps, work opportunity and welfare-to-work information, job training assistance, veterans service and unemployment benefit information; and

WHEREAS, Nat Rivers' contributions and service to the community of St. Louis are exemplary and distinguished:



NOW, THEREFORE, BE IT RESOLVED that the Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, proclaims that the St. Louis Central Office of the Division of Workforce Development, located at 4811 Delmar Boulevard in the City of St. Louis, be hereby named the "Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development", and that a sign or signs of appropriate size, lettering and design be constructed and placed on said office property with the name "Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development" on said sign, which shall be readily legible from the street; and

BE IT FURTHER RESOLVED that the Director of the Department of Economic Development shall promptly notify those members of the General Assembly whose constituents are served by the Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development, the Secretary of the Senate and the Clerk of the House of Representatives with the date in which said sign or signs are to be placed on the property; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate prepare properly inscribed copies of this resolution to the Director of the Department of Economic Development and the Office of Administration.

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**SENATE CONCURRENT RESOLUTION NO. 22**

WHEREAS, Robert Ward served the citizenry of District 107 as a member of the Missouri House of Representatives from 1982 to 1996; and

WHEREAS, Robert Ward's commitment to public service was exemplified by his tenure in the Missouri House of Representatives, where he served as Majority Floor Leader from 1991 to 1994 and as Majority Whip from 1987 to 1990:

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, do hereby instruct the Missouri Highway Commission and the Department of Transportation to take action immediately to name a section of Route 32, St. Francois County, from west of Route B (Park Hill) to 0.4 miles west of Route 67 (Leadington), with a total length of 3.5 miles, the "State Representative Bob Ward Highway", to honor Robert Ward for his many years of commitment to public service; and

BE IT FURTHER RESOLVED that the designation of the State Representative Bob Ward Highway be completed no later than July 15, 2000; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Robert Ward, the Missouri Highway Commission and the Department of Transportation.

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**SENATE CONCURRENT RESOLUTION NO. 25**

WHEREAS, the State of Missouri, due to its varied topography, is considered one of the most beautiful of the fifty states; and

WHEREAS, it is the obligation of Missouri citizens and tourists to help preserve this beauty; and

WHEREAS, while much attention has recently been focused on the "Adopt-A-Highway" program which is directed at collecting litter, more needs to be done to prevent littering; and

WHEREAS, the problem of littering is growing and prevention of littering is an obligation not only of Missouri citizens, but also of the tourists in the "Show Me State"; and

WHEREAS, keeping Missouri's roadsides beautiful is an immense and huge, expensive task:

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, do hereby instruct the Missouri Highway and Transportation Commission and the Department of Transportation to take immediate action to ensure that signs of appropriate size, lettering and design stating the current maximum penalty for littering be placed along the highways of the state and that any out-of-date signs be replaced; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to the Missouri Highway and Transportation Commission and the Department of Transportation.

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**SENATE CONCURRENT RESOLUTION NO. 26**

WHEREAS, the United States of America observes a "Mother's Day", a "Father's Day" and a "Grandparents Day"; and

WHEREAS, these special observances are also recognized each year in the great State of Missouri; and

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WHEREAS, children, education, "Drug Free" programs and many other legislative programs designated for the benefit of children and teens are a priority for the members of this General Assembly and all Missourians; and

WHEREAS, many issues confronting young people today are a direct result of children not receiving enough affirmation, personal attention and quality time from adults and organizations; and

WHEREAS, September is a month now remembered by many for the lives and work and service on behalf of children of Mother Teresa and Princess Diana; and

WHEREAS, it is also the month many of our children return to school; a month in which organizations recognize children for growing older and passing into a higher instruction period of their lives; and

WHEREAS, it is fitting that we pause in our deliberations to designate a day in honor of our children:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby join unanimously in honoring the children of Missouri, by designating each third Saturday in September as "Children's Day" in Missouri; and

BE IT FURTHER RESOLVED, that Children's Day celebrations may vary with families, schools, churches, synagogues and other organizations, but affirming children and youth and quality time spent with children and youth should be an important part of "Children's Day".

BE IT FURTHER RESOLVED, that in designating this day in honor of our youth, we also strongly encourage other states, our country and other countries to designate the third Saturday in September as "Children's Day"; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution to the Governor.

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**SENATE CONCURRENT RESOLUTION NO. 27**

WHEREAS, Missouri producers must have readily available markets in order to remain competitive in the agriculture industry; and

WHEREAS, the ongoing trend of consolidation and mergers in American agriculture economy is having an adverse impact on Missouri farmers and ranchers; and

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WHEREAS, farmers' and ranchers' concerns are highlighted by the recent court injunction on the purchase of Murphy Family Farms, Inc. assets in Missouri by Smithfield Foods, Inc.; and

WHEREAS, other Midwestern states have raised similar concerns about the same transaction and have received similar court rulings; and

WHEREAS, this transaction is but one example of the level of interest in antitrust issues particularly within the agricultural sector of the economy; and

WHEREAS, competition remains critical for agricultural producers for the inputs they purchase and the products they sell; and

WHEREAS, the absence of competitive markets not only hurts farmers but ultimately will hurt consumers as well; and

WHEREAS, these anti-competitive forces are not targeted at specific states, but are more regional, national and in some cases, international in nature; and

WHEREAS, the Missouri legislature believes Congress, the United States Department of Agriculture and the United States Department of Justice should do more on consolidation and concentration issues in the agricultural sector; and

WHEREAS, in the absence of action by Congress, several state legislatures are pursuing ways to combat the anti-competitive forces currently at work in the agriculture markets; and

WHEREAS, Missouri lawmakers' concerns are heightened by the importance of agriculture to Missouri's rural communities; and

WHEREAS, Missouri lawmakers believe that consolidation and concentration issues of this magnitude demand prompt attention by lawmakers and regulators at the federal level:

NOW THEREFORE BE IT RESOLVED that the members of the Senate of the Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby call upon the 106th Congress of the United States to immediately:

1. Expand the United States Department of Agriculture's role in evaluating agribusiness mergers and acquisitions;
2. Encourage the appointment of an Assistant Attorney General at the Department of Justice with the sole responsibility of handling agriculture mergers and acquisition;
3. Provide additional resources to expand the capability of the Grain Inspection, Packers and Stockyards Administration (GIPSA) to monitor, investigate and pursue the competitive implications of structural changes in the meat packing industry;
4. Support an increase in the staff of the Transportation, Energy and Agriculture section of the Department of Justice;

5. Prohibit the enforcement of confidentiality clauses in livestock production contracts and grain production contracts except to the extent that a legitimate trade secret is being protected;

6. Allow GIPSA to seek reparations for producers when a packer is found to be engaged in predatory or unfair practices;

7. Provide contract poultry growers the same protections as livestock producers by extending the powers of GIPSA to cover live poultry dealers;

8. Authorize a statutory trust for the protection of cash sellers to livestock dealers;

9. Consider any other measure that will lead to greater competition within the United States' agricultural sector; and

BE IT FURTHER RESOLVED that the Missouri General Assembly requests the United States Department of Agriculture to form a task force, a majority of the members being actual farmers and ranchers, to review and recommend changes in the Packers and Stockyards Act; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation, the United States Department of Agriculture, and the United States Department of Justice.

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#### **SENATE CONCURRENT RESOLUTION NO. 29**

WHEREAS, the General Assembly finds, for the purpose of streamlining and simplifying sales and use tax imposition and collection for the twenty-first century, that:

Missouri should simplify sales and use taxes to reduce the administrative burden on the collection of sales and use taxes by both single state and multistate taxpayers and vendors;

State and local tax systems should treat transactions in a competitively neutral manner;

A simplified sales and use tax system that treats all transactions in a competitively neutral manner will strengthen and preserve the sales and use tax as vital state and local revenue sources and will preserve state fiscal sovereignty;

Remote sellers should neither receive preferential tax treatment at the expense of local "main street" merchants, nor be burdened with special, discriminatory or multiple taxes; and

While states have the sovereign right to set their own tax policies, states working together have the opportunity to develop a more simple, uniform and fair system of state sales and use taxation without federal government mandates of interference; and

WHEREAS, the General Assembly directs the Missouri Department of Revenue to enter into discussions with other states regarding the development of a multistate, voluntary, streamlined system for sales and use tax collection and administration. Such discussions shall focus on a system that would have the capability to determine whether

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transactions are taxable or tax exempt, the appropriate tax rate applicable to transactions, the total tax due on transactions, the provision of a method to collect and remit sales and use taxes to the state and the development of a joint request for information from potential public and private parties governing the specification for the system; and

WHEREAS, discussions between the Department of Revenue and other states may also include, but shall not be limited to providing compensation for the costs of collecting and remitting sales and use taxes; the mechanism for compensating parties for the development and operation of such system; the establishment of minimum statutory simplification measures necessary for state participation in such system; and the establishment of measures to preserve confidentiality of taxpayer information and privacy rights of consumers; and

WHEREAS, upon the conclusion of its discussions with other state, the Department of Revenue shall issue a joint request for information; and

WHEREAS, the Department of Revenue is authorized to participate in a sales tax pilot project with other states and selected businesses to test means for simplifying sales and use tax administration, and to enter into joint agreements, which terminate no later than December 31, 2001, for that purpose. Agreements to participate in the test shall establish provisions for the administration, imposition and collection of sales and use taxes resulting in revenues paid that are equal to those that would otherwise be paid pursuant to chapter 144, RSMo. Parties to the agreements are excused from complying with the provisions of chapter 144, RSMo, to the extent a different procedure is required by the agreements, except for confidentiality of taxpayer information as discussed in this resolution; and

WHEREAS, tax return information submitted to any party or parties' action for and on behalf of this state shall be treated as confidential taxpayer information. Disclosure of confidential taxpayer information shall only be made pursuant to a written agreement between the Department of Revenue and the party or parties. Such party or parties shall be bound by the same requirements of confidentiality as the Department of Revenue pursuant to section 32.057, RSMo; and

WHEREAS, the General Assembly herein creates the Multistate Tax Compact Advisory Committee to provide legislative oversight of this effort. The committee shall consist of two members of the Senate appointed by the President Pro Tem, two members of the House of Representatives appointed by the Speaker, the director of the Department of Revenue, the Attorney General and his or her designee, and a member of the Governor's staff to be designated by the Governor. The committee shall meet on a monthly basis at the request of the director of the Department of Revenue, who shall be the chairman, or more often if requested by a majority of the committee members; and

WHEREAS, the committee shall provide a quarterly report on the progress of the multistate tax discussion and other tax simplification efforts to the President Pro Tem

of the Senate, the Speaker of the House of Representatives and the Governor. By October 1, 2001, the committee shall also provide to the President Pro Tem of the Senate, the Speaker of the House of Representatives and the Governor a final report on the status of multistate discussions, including information as to whether a proposed system has been agreed upon by participating states and whether or not Missouri should participate in such agreed upon system:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby determine that streamlining and simplifying sales and use tax systems in this state will promote commerce in this state and hereby direct the Department of Revenue to work toward the goal of streamlining and simplifying sales and use taxes in this state in a manner as specified herein and as overseen by the Multistate Tax Compact Advisory Committee created herein; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Department of Revenue.

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**HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 37**

WHEREAS, the President of the United States has proposed the creation of a Delta Regional Authority; and

WHEREAS, the Delta Regional Authority would bring the resources of a Federal-State partnership to the region for economic growth and to provide the infrastructure and job training needed to make prosperity possible in the Delta; and

WHEREAS, the affected counties in Missouri desire to participate with the Delta Regional Authority in any policy development and programs for the Delta area:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby authorize the creation of the "Missouri Commission on the Delta Regional Authority"; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Regional Authority shall make recommendations to the General Assembly regarding policy development, prioritization of funding based upon poverty, joblessness, lack of job availability, literacy rates and level of education, and programs and interstate compacts; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Regional Authority may accept general revenue and other funds as may be appropriated to it; and

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BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Regional Authority shall be composed of one county commissioner or designee from each of the following central counties designated by the Lower Mississippi Delta Commission of Scott, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard and Butler, one of Missouri's representatives on the board of the lower Mississippi delta development center appointed by the governor, one member of the public chosen to represent the interests of agriculture appointed by the governor, one member of the public to represent business and industry appointed by the governor, and one member of the public to represent education appointed by the governor, two members of the house of representatives, appointed by the speaker of the house, who represent districts within the central county region designated by the Lower Mississippi Delta Development Commission, two members of the house of representatives, appointed by the speaker of the house, who represent districts within the affected area designated by the Lower Mississippi Delta Development Commission, one member of the senate, appointed by the president pro tem of the senate, who represents a district within the central county region designated by the Lower Mississippi Delta Development Commission, and the following ex officio members: the directors of the departments of economic development, transportation and agriculture, the director of the family investment trust, the commissioner of education, the commissioner of higher education, one member of the board of the Lower Mississippi River Delta Center; and

BE IT FURTHER RESOLVED that the department of economic development shall provide professional, legal and clerical staff for the Missouri Commission on the Delta Regional Authority; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Mel Carnahan.

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**SENATE CONCURRENT RESOLUTION NO. 38**

WHEREAS, building codes promote public safety, health, and general welfare and protect the lives and property of our citizens; and

WHEREAS, building codes require that all affected construction meet minimum standards and provide fair and equal opportunities for contractors and owners by consistent application of these standards; and

WHEREAS, building codes protect our citizens from hazardous buildings and help maintain property values; and

WHEREAS, there are numerous building codes in the state varying from county to county and municipality to municipality; and

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WHEREAS, the number of codes restricts competitive business among builders and contractors as they must spend time and money to learn and comply with each different code; and

WHEREAS, an in-depth study and evaluation must be made of the alternatives and strategies available for the implementation of a single building code to better serve the citizens and business population in Missouri; and

WHEREAS, the three model code groups have combined to formulate a single code entitled the "International Building Code"; and

WHEREAS, the International Building Code is being finalized during the spring of 2000; and

WHEREAS, the Governor's Commission for the Review and Formulation of Building Code Implementation was created in 1999 by Senate Concurrent Resolution; and

WHEREAS, the Commission held four hearings during 1999 and issued a preliminary report on December 1, 1999; and

WHEREAS, the Commission shall dissolve on May 31, 2000 unless its authority is extended:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Second Regular Session, Ninetieth General Assembly, the House of Representatives concurring therein, request that the commission continue to solicit any input and information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the commission shall conduct an in-depth study and make additional recommendations concerning the implementation of a building code to ensure fair and equal opportunity for businesses by the consistent application of minimum safety standards for the citizens of Missouri; and

BE IT FURTHER RESOLVED that the commission shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and the General Assembly by December 1, 2000, and then shall be dissolved May 31, 2001; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of executive branch members and members appointed by the governor as well as the actual and necessary expenses of any staff provided by the office of administration and the cost of any outside consultants to the commission shall be paid from funds appropriated to the Office of Administration; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the legislative members and any legislative staff assigned to the commission shall be paid from the joint contingent fund; and

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BE IT FURTHER RESOLVED that the staff of Senate Research, House Research, the Joint Committee on Legislative Research, and the Office of Administration shall provide such legal, research, clerical, technical and bill drafting services as the commission may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the Attorney General, the Director of the Department of Public Safety, the Director of the Department of Natural Resources, and the Director of the Division of Design and Construction.

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**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 41**

WHEREAS, for many years St. Louis has been known as the Gateway to the West; and

WHEREAS, in a city more than two hundred years old, there is a new spirit of revitalization that is focused on its historic core in Downtown; and

WHEREAS, this spirit of renewal is evident from the Gateway Arch with its Museum of Westbound Expansion through Laclede's Landing, to Union Station, Soulard and along Washington Avenue; and

WHEREAS, Downtown St. Louis is the largest employment center in the State of Missouri and the heart of the St. Louis Metropolitan Area; and

WHEREAS, Downtown St. Louis has gone through a period of decline with the loss of businesses, jobs and deteriorating buildings and public facilities, and is having to face the growth of many shopping centers in the surrounding areas; and

WHEREAS, over the years numerous plans have been offered to rejuvenate Downtown St. Louis:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, establish the Joint Interim Committee on the Revitalization of the City of St. Louis. The members shall consist of five state senators appointed by the President Pro Tem of the Senate and five state representatives appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Committee may solicit input from governmental and business leaders of the City of St. Louis; and

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BE IT FURTHER RESOLVED that the Committee shall review and evaluate reports, studies and other information with respect to the revitalization of Downtown St. Louis; and

BE IT FURTHER RESOLVED that the Committee shall make an in-depth study and evaluation of the alternatives to finance the revitalization of Downtown St. Louis; and

BE IT FURTHER RESOLVED that the Committee shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and General Assembly by January 1, 2001; and

BE IT FURTHER RESOLVED that the expenses of legislative members and legislative staff shall be paid from the Joint Contingent Fund; and

BE IT FURTHER RESOLVED that the staff of Senate Research and House Research and the Committee on Legislative Research shall provide such legal, research, clerical, technical and bill drafting services as the Committee may require in the performance of its duties.

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**ADMINISTRATION, OFFICE OF**

- SB 0788 Amends "whistle-blower" statute for certain employees, and modifies health care licensing and training standards.
- SJR 035 Eliminates the Salary Commission.
- HB 1105 Appropriations for the Office of Administration.
- HB 1186 Authorizes Governor to convey certain property in Cole County which is part of Church Farm Correctional Facility.

**ADMINISTRATIVE RULES**

- HB 1321 Adopts Interstate Compact for Adult Offender Supervision.

**AGRICULTURE AND ANIMALS**

- SB 0867 Various changes to Certified Capital Companies/tax credit programs; landlord registration in Kansas City and St. Louis.
- SB 0894 Numerous provisions relating to economic development, taxation and land use law.
- HB 1082 Requires approval by the General Assembly of certain federal land acquisitions through eminent domain or condemnation.
- HB 1142 Removes fee for a special permit to move oversized loads and requires the repurchasing of certain farm equipment.

**AGRICULTURE DEPARTMENT**

- SB 0540 Creates the State Fair Fee Fund.
- SCR 037 Authorizes the creation of the Missouri-Mississippi River Delta Authority.
- HB 1106 Appropriations for the Departments of Agriculture, Conservation and Natural Resources.

**ALCOHOL**

- HB 1631 Pertains to trade practices for the sale of beer and nonintoxicating beer.

**AMBULANCES AND AMBULANCE DISTRICTS**

- SB 0788 Amends "whistle-blower" statute for certain employees, and modifies health care licensing and training standards.
- HB 1284 Fees for ambulance district board members.

**APPROPRIATIONS**

- SJR 035 Eliminates the Salary Commission.
- HB 1101 Public debt appropriations.
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- HB 1102 Appropriates money for the State Board of Education and the Department of Elementary and Secondary Education.
- HB 1103 Appropriations for Higher Education.
- HB 1104 Appropriations for the Departments of Revenue and Transportation.
- HB 1105 Appropriations for the Office of Administration.
- HB 1106 Appropriations for the Departments of Agriculture, Conservation and Natural Resources.
- HB 1107 Appropriations for the Departments of Economic Development, Insurance and Labor and Industrial Relations.
- HB 1108 Appropriations for the Department of Public Safety.
- HB 1109 Appropriations for the Department of Corrections.
- HB 1110 Appropriations for the Departments of Mental Health/Health; the Board of Public Buildings and Missouri Health Facilities Review.
- HB 1111 Appropriations for the Department of Social Services.
- HB 1112 Appropriations: Public Officers; General Assembly; Judges.
- HB 1113 To appropriate money for real property leases, related services, utilities and systems furniture.
- HB 1114 Supplemental appropriations.
- HB 1120 Appropriates money for planning, expenses and capital improvements.
- HB 1121 Reappropriations Bill.
- HB 1122 Supplemental appropriations.
- HB 1742 Authorizes the issuance of \$2 billion in bonds to finance road and bridge construction.

#### **ARTS AND HUMANITIES**

- SB 0719 Changes the Kansas and Missouri Metropolitan Culture District to allow funding of sports activities and facilities.

#### **ATTORNEY GENERAL, STATE**

- SB 0763 Regulates unsolicited telephone sales calls.
- SB 1053 Requires law enforcement agencies to prohibit racial profiling practices and report statistics.
- HB 1321 Adopts Interstate Compact for Adult Offender Supervision.

#### **AUDITOR, STATE**

- SB 0788 Amends "whistle-blower" statute for certain employees, and modifies health care licensing and training standards.
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**BANKS AND FINANCIAL INSTITUTIONS**

- SB 0896 Modifies law regarding LLC's, LLP's, corporations, financial institutions and other financial arrangements.
- HB 1596 Designates which financial institutions may hold certain assets not exclusively controlled by insurance companies.
- HB 1739 Allows life insurers to invest in federal home loan banks and requires the Insurance Department to issue life valuation rules.
- HB 1802 Allows mortgage insurance for up to one hundred percent of the market value of the property.

**BINGO**

- SJR 050 Revises requirements to be met by those involved in the management of bingo.

**BOARDS, COMMISSIONS, COMMITTEES, COUNCILS**

- SB 0577 Revises hazardous waste laws.
- SB 0719 Changes the Kansas and Missouri Metropolitan Culture District to allow funding of sports activities and facilities.
- SB 1053 Requires law enforcement agencies to prohibit racial profiling practices and report statistics.
- HB 1238 Numerous changes concerning urban affairs, taxation and economic programs.
- HB 1284 Fees for ambulance district board members.
- HB 1321 Adopts Interstate Compact for Adult Offender Supervision.
- HB 1363 Enacts the Midwest Interstate Passenger Rail Compact and repeals an earlier compact.
- HB 1434 Regulation of amusement ride providers.
- HB 1967 Modification to St. Louis County Boundary Commission statutes.

**BOATS AND WATERCRAFT**

- SB 0896 Modifies law regarding LLC's, LLP's, corporations, financial institutions and other financial arrangements.

**BONDS - GENERAL OBLIGATION AND REVENUE**

- SB 0741 Revises water resource laws.
- HB 1742 Authorizes the issuance of \$2 billion in bonds to finance road and bridge construction.
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**BUSINESS AND COMMERCE**

- SB 0577 Revises hazardous waste laws.
- SB 0724 Changes several county-level tourism taxes.
- SB 0763 Regulates unsolicited telephone sales calls.
- SB 0867 Various changes to Certified Capital Companies/tax credit programs; landlord registration in Kansas City and St. Louis.
- SB 0896 Modifies law regarding LLC's, LLP's, corporations, financial institutions and other financial arrangements.
- HB 1142 Removes fee for a special permit to move oversized loads and requires the repurchasing of certain farm equipment.
- HB 1454 Redefines an existing sales tax credit for certain food processors.
- HB 1509 Technical changes to unlawful merchandising law.
- HB 1544 Clarifies a not-for-profit statute that limits corporate distributions.
- HB 1596 Designates which financial institutions may hold certain assets not exclusively controlled by insurance companies.
- HB 1631 Pertains to trade practices for the sale of beer and nonintoxicating beer.

**CAPITAL IMPROVEMENTS**

- HB 1486 Allows community colleges to share cost of certain expenses which currently the state must pay.
- HB 1647 Allows the city of North Kansas City to establish a reserve fund.

**CHILDREN AND MINORS**

- SB 0757 Revises various child protection laws.
- SB 0944 Revises prohibitions on drugs and weapons on school premises.
- HB 1568 Allows tests of certain mothers for syphilis and establishes the Office on Women's Health.

**CITIES, TOWNS AND VILLAGES**

- SB 0724 Changes several county-level tourism taxes.
- SB 0881 Allows funding for motor pool operations by the Public Mass Transportation Fund in Kansas City; reconstitutes Kansas City Transportation Authority.
- SB 0894 Numerous provisions relating to economic development, taxation and land use law.
- HB 1077 Repeals authorization to the City of Cameron for planning and zoning in unincorporated areas.
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- HB 1185 Authorizes conveyance of certain Lincoln University property to Jefferson City and part of Mexico Veterans Home property.
- HB 1238 Numerous changes concerning urban affairs, taxation and economic programs.
- HB 1604 Authorizes the conveyance of certain state property.
- HB 1647 Allows the city of North Kansas City to establish a reserve fund.
- HB 1659 Authorizes sales and tourism taxes for certain cities and counties.
- HB 1967 Modification to St. Louis County Boundary Commission statutes.

#### **CIVIL PROCEDURE**

- HB 1097 Revises civil liability for trespass.
- HB 1677 Amends or creates various domestic violence and criminal reporting laws.

#### **CIVIL RIGHTS**

- SB 1053 Requires law enforcement agencies to prohibit racial profiling practices and report statistics.

#### **COMPACTS**

- SB 0719 Changes the Kansas and Missouri Metropolitan Culture District to allow funding of sports activities and facilities.
- HB 1321 Adopts Interstate Compact for Adult Offender Supervision.
- HB 1363 Enacts the Midwest Interstate Passenger Rail Compact and repeals an earlier compact.

#### **CONSERVATION DEPARTMENT**

- HB 1106 Appropriations for the Departments of Agriculture, Conservation and Natural Resources.

#### **CONSTITUTIONAL AMENDMENTS**

- SJR 035 Eliminates the Salary Commission.
- SJR 050 Revises requirements to be met by those involved in the management of bingo.

#### **CONSUMER PROTECTION**

- SB 0721 Establishes and revises several programs for disabled persons.
- SB 0763 Regulates unsolicited telephone sales calls.
- HB 1509 Technical changes to unlawful merchandising law.
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**CONTRACTS AND CONTRACTORS**

- HB 1967 Modification to St. Louis County Boundary Commission statutes.

**CORPORATIONS**

- SB 0896 Modifies law regarding LLC's, LLP's, corporations, financial institutions and other financial arrangements.
- HB 1544 Clarifies a not-for-profit statute that limits corporate distributions.

**CORRECTIONS DEPARTMENT**

- HB 1109 Appropriations for the Department of Corrections.
- HB 1186 Authorizes Governor to convey certain property in Cole County which is part of Church Farm Correctional Facility.
- HB 1321 Adopts Interstate Compact for Adult Offender Supervision.

**COUNTIES**

- SB 0542 Changes the compensation of public administrators.
- SB 0892 State to pay counties for health care costs of certain state prisoners.
- SB 0894 Numerous provisions relating to economic development, taxation and land use law.
- HB 1238 Numerous changes concerning urban affairs, taxation and economic programs.
- HB 1659 Authorizes sales and tourism taxes for certain cities and counties.

**COUNTY GOVERNMENT**

- SB 0542 Changes the compensation of public administrators.
- SB 0724 Changes several county-level tourism taxes.

**COUNTY OFFICIALS**

- SB 0542 Changes the compensation of public administrators.
- HB 1808 Certain pension benefits and compensation.

**COURTS**

- SB 0542 Changes the compensation of public administrators.
- SRB1001 Repeals provisions of law that are not in effect.
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- SRB1002 Transfers sections relating to court costs from various chapters to Chapter 488, RSMo.
- HB 1677 Amends or creates various domestic violence and criminal reporting laws.

#### **CRIMES AND PUNISHMENT**

- SB 0757 Revises various child protection laws.
- SB 0763 Regulates unsolicited telephone sales calls.
- SB 0944 Revises prohibitions on drugs and weapons on school premises.
- HB 1321 Adopts Interstate Compact for Adult Offender Supervision.
- HB 1386 Prohibits financial exploitation of an elderly or disabled person.
- HB 1509 Technical changes to unlawful merchandising law.
- HB 1677 Amends or creates various domestic violence and criminal reporting laws.

#### **CRIMINAL PROCEDURE**

- SB 0757 Revises various child protection laws.
- HB 1677 Amends or creates various domestic violence and criminal reporting laws.

#### **DISABILITIES**

- SB 0721 Establishes and revises several programs for disabled persons.
- HB 1085 Exempts certain mental health facilities and programs from licensure.
- HB 1386 Prohibits financial exploitation of an elderly or disabled person.

#### **DOMESTIC RELATIONS**

- HB 1677 Amends or creates various domestic violence and criminal reporting laws.

#### **DRUGS AND CONTROLLED SUBSTANCES**

- SB 0944 Revises prohibitions on drugs and weapons on school premises.
- HB 1353 Opens coroner's reports to any person involved in a fatal accident.

#### **EASEMENTS AND CONVEYANCES**

- HB 1185 Authorizes conveyance of certain Lincoln University property to Jefferson City and part of Mexico Veterans Home property.
- HB 1186 Authorizes Governor to convey certain property in Cole County which is part of Church Farm Correctional Facility.
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HB 1604 Authorizes the conveyance of certain state property.

**ECONOMIC DEVELOPMENT**

- SB 0577 Revises hazardous waste laws.  
SB 0724 Changes several county-level tourism taxes.  
SB 0867 Various changes to Certified Capital Companies/tax credit programs; landlord registration in Kansas City and St. Louis.  
SB 0894 Numerous provisions relating to economic development, taxation and land use law.  
HB 1238 Numerous changes concerning urban affairs, taxation and economic programs.  
HB 1659 Authorizes sales and tourism taxes for certain cities and counties.

**ECONOMIC DEVELOPMENT DEPARTMENT**

- SB 0867 Various changes to Certified Capital Companies/tax credit programs; landlord registration in Kansas City and St. Louis.  
SB 0921 Appointments to the State Board of Registration for the Healing Arts; Physicians' Health Program.  
HB 1107 Appropriations for the Departments of Economic Development, Insurance and Labor and Industrial Relations.  
HB 1848 Modifies provisions relating to the licensing of certain health practitioners.

**EDUCATION, ELEMENTARY AND SECONDARY**

- SB 0573 Revises repayment of state school aid overpayment for certain districts.  
SB 0944 Revises prohibitions on drugs and weapons on school premises.  
SB 0961 Revises National Guard Scholarship Program, recognition of veterans.  
HB 1102 Appropriates money for the State Board of Education and the Department of Elementary and Secondary Education.  
HB 1396 Revises higher education laws.

**EDUCATION, HIGHER**

- HB 1396 Revises higher education laws.  
HB 1486 Allows community colleges to share cost of certain expenses which currently the state must pay.  
HB 1604 Authorizes the conveyance of certain state property.
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**ELDERLY**

- HB 1386 Prohibits financial exploitation of an elderly or disabled person.  
HB 1591 Allows a nursing home administrator to retire his or her license.

**ELECTIONS**

- SJR 035 Eliminates the Salary Commission.  
SJR 050 Revises requirements to be met by those involved in the management of bingo.

**ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT**

- SB 0573 Revises repayment of state school aid overpayment for certain districts.  
SB 0944 Revises prohibitions on drugs and weapons on school premises.  
SB 0961 Revises National Guard Scholarship Program, recognition of veterans.

**EMPLOYEES - EMPLOYERS**

- HB 1428 Establishes a memorial on the Capitol grounds for workers killed or injured on the job in the state.

**ENVIRONMENTAL PROTECTION**

- SB 0577 Revises hazardous waste laws.  
SB 0894 Numerous provisions relating to economic development, taxation and land use law.

**ENTERTAINMENT, SPORTS AND AMUSEMENTS**

- HB 1434 Regulation of amusement ride providers.

**ESTATES, WILLS AND TRUSTS**

- SB 0542 Changes the compensation of public administrators.  
SB 0896 Modifies law regarding LLC's, LLP's, corporations, financial institutions and other financial arrangements.  
HB 1386 Prohibits financial exploitation of an elderly or disabled person.

**EVIDENCE**

- SB 0757 Revises various child protection laws.  
SB 1053 Requires law enforcement agencies to prohibit racial profiling practices and report statistics.  
HB 1097 Revises civil liability for trespass.  
HB 1386 Prohibits financial exploitation of an elderly or disabled person.

HB 1677 Amends or creates various domestic violence and criminal reporting laws.

**FAIRS**

SB 0540 Creates the State Fair Fee Fund.

**FAMILY LAW**

HB 1386 Prohibits financial exploitation of an elderly or disabled person.

HB 1677 Amends or creates various domestic violence and criminal reporting laws.

**FAMILY SERVICES DIVISION**

SB 0757 Revises various child protection laws.

**FEDERAL - STATE RELATIONS**

HB 1082 Requires approval by the General Assembly of certain federal land acquisitions through eminent domain or condemnation.

**FEES**

SB 0540 Creates the State Fair Fee Fund.

SB 0577 Revises hazardous waste laws.

HB 1284 Fees for ambulance district board members.

**FIRE PROTECTION**

HB 1808 Certain pension benefits and compensation.

HB 1967 Modification to St. Louis County Boundary Commission statutes.

**GAMBLING**

SB 0902 Changes certain licensing and enforcement procedures for excursion gambling boats.

HCR 022 Approves the state lottery commission's plan to implement the option of lump sum payments for pre-October 21, 1998.

**GENERAL ASSEMBLY**

SB 0577 Revises hazardous waste laws.

SJR 035 Eliminates the Salary Commission.

SRB1001 Repeals provisions of law that are not in effect.

HB 1082 Requires approval by the General Assembly of certain federal land acquisitions through eminent domain or condemnation.

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- HB 1112 Appropriations: Public Officers; General Assembly; Judges.  
HB 1376 Allows the tour of state facilities by new members of the General Assembly to be any time of the year.  
HCR 010 Directs the department of insurance to promulgate regulations governing the valuation of life insurance.

#### **GOVERNOR & LIEUTENANT GOVERNOR**

- SB 0577 Revises hazardous waste laws.  
SCR 037 Authorizes the creation of the Missouri-Mississippi River Delta Authority.  
SCR 038 Extends Governor's Commission for the Review & Formulation of Building Code Implementation.  
HB 1186 Authorizes Governor to convey certain property in Cole County which is part of Church Farm Correctional Facility.  
HB 1604 Authorizes the conveyance of certain state property.

#### **HEALTH CARE**

- SB 0810 Extends the hospital federal reimbursement allowance to September 30, 2001.  
SB 0885 Modifies the law relating to the Missouri Consolidated Health Care Plan and changes provisions for continuation of coverage.  
SB 0892 State to pay counties for health care costs of certain state prisoners.  
SB 0896 Modifies law regarding LLC's, LLP's, corporations, financial institutions and other financial arrangements.  
HB 1568 Allows tests of certain mothers for syphilis and establishes the Office on Women's Health.

#### **HEALTH CARE PROFESSIONALS**

- HB 1568 Allows tests of certain mothers for syphilis and establishes the Office on Women's Health.  
HB 1848 Modifies provisions relating to the licensing of certain health practitioners.

#### **HEALTH DEPARTMENT**

- SB 0788 Amends "whistle-blower" statute for certain employees, and modifies health care licensing and training standards.  
HB 1110 Appropriations for the Departments of Mental Health/Health; the Board of Public Buildings and Missouri Health Facilities Review.
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HB 1386 Prohibits financial exploitation of an elderly or disabled person.

HB 1568 Allows tests of certain mothers for syphilis and establishes the Office on Women's Health.

#### **HEALTH, PUBLIC**

HB 1568 Allows tests of certain mothers for syphilis and establishes the Office on Women's Health.

#### **HIGHER EDUCATION DEPARTMENT**

HB 1103 Appropriations for Higher Education.

HB 1396 Revises higher education laws.

HB 1486 Allows community colleges to share cost of certain expenses which currently the state must pay.

#### **HIGHWAY PATROL**

HB 1289 Gives local street departments right to copies of law enforcement accident and incident reports.

HB 1353 Opens coroner's reports to any person involved in a fatal accident.

HB 1677 Amends or creates various domestic violence and criminal reporting laws.

#### **HOSPITALS**

SB 0788 Amends "whistle-blower" statute for certain employees, and modifies health care licensing and training standards.

SB 0810 Extends the hospital federal reimbursement allowance to September 30, 2001.

#### **HOUSING**

SB 0557 Authorizes a sixth commissioner for certain municipal housing authorities to meet certain federal guidelines.

SB 0867 Various changes to Certified Capital Companies/tax credit programs; landlord registration in Kansas City and St. Louis.

SB 0894 Numerous provisions relating to economic development, taxation and land use law.

HB 1238 Numerous changes concerning urban affairs, taxation and economic programs.

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**INSURANCE - AUTOMOBILE**

- HB 1797 Creates the Insurance Identification Database Fund and modifies other laws relating to motor vehicles.
- HB 1948 Changes law regarding permits for concrete pump trucks, length limits for dromedary units and auto insurance.

**INSURANCE - GENERAL**

- SB 0867 Various changes to Certified Capital Companies/tax credit programs; landlord registration in Kansas City and St. Louis.
- HB 1544 Clarifies a not-for-profit statute that limits corporate distributions.
- HB 1596 Designates which financial institutions may hold certain assets not exclusively controlled by insurance companies.
- HB 1677 Amends or creates various domestic violence and criminal reporting laws.
- HB 1739 Allows life insurers to invest in federal home loan banks and requires the Insurance Department to issue life valuation rules.
- HB 1797 Creates the Insurance Identification Database Fund and modifies other laws relating to motor vehicles.
- HB 1802 Allows mortgage insurance for up to one hundred percent of the market value of the property.
- HCR 010 Directs the Department of Insurance to promulgate regulations governing the valuation of life insurance.

**INSURANCE - LIFE**

- HB 1739 Allows life insurers to invest in federal home loan banks and requires the Insurance Department to issue life valuation rules.
- HCR 010 Directs the Department of Insurance to promulgate regulations governing the valuation of life insurance.

**INSURANCE - MEDICAL**

- SB 0885 Modifies the law relating to the Missouri Consolidated Health Care Plan and changes provisions for continuation of coverage.
- HB 1808 Certain pension benefits and compensation.

**INSURANCE - PROPERTY**

- HB 1802 Allows mortgage insurance for up to one hundred percent of the market value of the property.
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**INSURANCE DEPARTMENT**

- HB 1107 Appropriations for the Departments of Economic Development, Insurance and Labor and Industrial Relations.
- HB 1596 Designates which financial institutions may hold certain assets not exclusively controlled by insurance companies.
- HB 1739 Allows life insurers to invest in federal home loan banks and requires the Insurance Department to issue life valuation rules.
- HB 1802 Allows mortgage insurance for up to one hundred percent of the market value of the property.
- HCR 010 Directs the Department of Insurance to promulgate regulations governing the valuation of life insurance.

**INTERSTATE COOPERATION**

- SB 0719 Changes the Kansas and Missouri Metropolitan Culture District to allow funding of sports activities and facilities.
- HB 1321 Adopts Interstate Compact for Adult Offender Supervision.

**JUDGES**

- SJR 035 Eliminates the Salary Commission.
- HB 1112 Appropriations: Public Officers; General Assembly; Judges.

**KANSAS CITY**

- SB 0719 Changes the Kansas and Missouri Metropolitan Culture District to allow funding of sports activities and facilities.
- SB 0867 Various changes to Certified Capital Companies/tax credit programs; landlord registration in Kansas City and St. Louis.
- SB 0881 Allows funding for motor pool operations by the Public Mass Transportation Fund in Kansas City; reconstitutes Kansas City Transportation Authority.
- SB 0894 Numerous provisions relating to economic development, taxation and land use law.
- HB 1238 Numerous changes concerning urban affairs, taxation and economic programs.
- HB 1647 Allows the city of North Kansas City to establish a reserve fund.
- HB 1808 Certain pension benefits and compensation.

**LABOR AND INDUSTRIAL RELATIONS DEPARTMENT**

- HB 1107 Appropriations for the Departments of Economic Development, Insurance and Labor and Industrial Relations.
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**LAW ENFORCEMENT OFFICERS AND AGENCIES**

- SB 1053 Requires law enforcement agencies to prohibit racial profiling practices and report statistics.
- HB 1289 Gives local street departments right to copies of law enforcement accident and incident reports.
- HB 1353 Opens coroner's reports to any person involved in a fatal accident.

**LIABILITY**

- HB 1097 Revises civil liability for trespass.
- HB 1434 Regulation of amusement ride providers.

**LICENSES - DRIVER'S**

- HB 1797 Creates the Insurance Identification Database Fund and modifies other laws relating to motor vehicles.

**LICENSES - LIQUOR AND BEER**

- HB 1631 Pertains to trade practices for the sale of beer and nonintoxicating beer.

**LICENSES - MISCELLANEOUS**

- HB 1085 Exempts certain mental health facilities and programs from licensure.
- HB 1591 Allows a nursing home administrator to retire his or her license.

**LICENSES - MOTOR VEHICLE**

- HB 1797 Creates the Insurance Identification Database Fund and modifies other laws relating to motor vehicles.

**LICENSES - PROFESSIONAL**

- SB 0788 Amends "whistle-blower" statute for certain employees, and modifies health care licensing and training standards.
- SB 0921 Appointments to the State Board of Registration for the Healing Arts; Physicians' Health Program.
- HB 1591 Allows a nursing home administrator to retire his or her license.
- HB 1848 Modifies provisions relating to the licensing of certain health practitioners.
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**LIENS**

- SB 0896 Modifies law regarding LLC's, LLP's, corporations, financial institutions and other financial arrangements.

**LOTTERIES**

- SB 0902 Changes certain licensing and enforcement procedures for excursion gambling boats.
- HCR 022 Approves the state lottery commission's plan to implement the option of lump sum payments for pre-October 21, 1998.

**MEDICAL PROCEDURES AND PERSONNEL**

- HB 1568 Allows tests of certain mothers for syphilis and establishes the Office on Women's Health.
- HB 1848 Modifies provisions relating to the licensing of certain health practitioners.

**MENTAL HEALTH**

- HB 1085 Exempts certain mental health facilities and programs from licensure.

**MENTAL HEALTH DEPARTMENT**

- HB 1085 Exempts certain mental health facilities and programs from licensure.
- HB 1110 Appropriations for the Departments of Mental Health/Health; the Board of Public Buildings and Missouri Health Facilities Review.
- HB 1386 Prohibits financial exploitation of an elderly or disabled person.
- HB 1604 Authorizes the conveyance of certain state property.

**MERCHANDISING PRACTICES**

- SB 0763 Regulates unsolicited telephone sales calls.
- HB 1509 Technical changes to unlawful merchandising law.

**MILITARY AFFAIRS**

- SB 0961 Revises National Guard Scholarship Program, recognition of veterans.

**MINORITIES**

- SB 0902 Changes certain licensing and enforcement procedures for excursion gambling boats.
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- SB 1053 Requires law enforcement agencies to prohibit racial profiling practices and report statistics.

**MORTGAGES AND DEEDS**

- HB 1802 Allows mortgage insurance for up to one hundred percent of the market value of the property.

**MOTELS AND HOTELS**

- SB 0724 Changes several county-level tourism taxes.

**MOTOR CARRIERS**

- HB 1797 Creates the Insurance Identification Database Fund and modifies other laws relating to motor vehicles.
- HB 1948 Changes law regarding permits for concrete pump trucks, length limits for dromedary units and auto insurance.

**MOTOR VEHICLES**

- SB 0896 Modifies law regarding LLC's, LLP's, corporations, financial institutions and other financial arrangements.
- HB 1142 Removes fee for a special permit to move oversized loads and requires the repurchasing of certain farm equipment.
- HB 1797 Creates the Insurance Identification Database Fund and modifies other laws relating to motor vehicles.
- HB 1948 Changes law regarding permits for concrete pump trucks, length limits for dromedary units and auto insurance.

**NATIONAL GUARD**

- SB 0961 Revises National Guard Scholarship Program, recognition of veterans.

**NATURAL RESOURCES DEPARTMENT**

- SB 0577 Revises hazardous waste laws.
- SB 0741 Revises water resource laws.
- HB 1106 Appropriations for the Departments of Agriculture, Conservation and Natural Resources.

**NURSES**

- HB 1568 Allows tests of certain mothers for syphilis and establishes the Office on Women's Health.
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**NURSING AND BOARDING HOMES**

HB 1591 Allows a nursing home administrator to retire his or her license.

**PARKS AND RECREATION**

HB 1238 Numerous changes concerning urban affairs, taxation and economic programs.

HB 1434 Regulation of amusement ride providers.

**PHYSICIANS**

SB 0921 Appointments to the State Board of Registration for the Healing Arts; Physicians' Health Program.

HB 1568 Allows tests of certain mothers for syphilis and establishes the Office on Women's Health.

HB 1848 Modifies provisions relating to the licensing of certain health practitioners.

**PLANNING AND ZONING**

HB 1077 Repeals authorization to the City of Cameron for planning and zoning in unincorporated areas.

**POLITICAL SUBDIVISIONS**

HB 1097 Revises civil liability for trespass.

HB 1544 Clarifies a not-for-profit statute that limits corporate distributions.

**PRISONS AND JAILS**

SB 0892 State to pay counties for health care costs of certain state prisoners.

HB 1186 Authorizes Governor to convey certain property in Cole County which is part of Church Farm Correctional Facility.

**PROPERTY, REAL AND PERSONAL**

SB 0577 Revises hazardous waste laws.

SB 0894 Numerous provisions relating to economic development, taxation and land use law.

HB 1082 Requires approval by the General Assembly of certain federal land acquisitions through eminent domain or condemnation.

HB 1097 Revises civil liability for trespass.

HB 1186 Authorizes Governor to convey certain property in Cole County which is part of Church Farm Correctional Facility.

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HB 1238 Numerous changes concerning urban affairs, taxation and economic programs.

HB 1604 Authorizes the conveyance of certain state property.

#### **PUBLIC ASSISTANCE**

HB 1452 Payments to Holocaust survivors exempted from tax and from determination of eligibility for public assistance.

#### **PUBLIC BUILDINGS**

HB 1110 Appropriations for the Departments of Mental Health/Health; the Board of Public Buildings and Missouri Health Facilities Review.

HB 1428 Establishes a memorial on the Capitol grounds for workers killed or injured on the job in the state.

#### **PUBLIC OFFICERS**

SJR 035 Eliminates the Salary Commission.

HB 1112 Appropriations: Public Officers; General Assembly; Judges.

#### **PUBLIC RECORDS, PUBLIC MEETINGS**

HB 1289 Gives local street departments right to copies of law enforcement accident and incident reports.

HB 1353 Opens coroner's reports to any person involved in a fatal accident.

HB 1396 Revises higher education laws.

#### **PUBLIC SAFETY DEPARTMENT**

HB 1108 Appropriations for the Department of Public Safety.

HB 1434 Regulation of amusement ride providers.

HB 1604 Authorizes the conveyance of certain state property.

#### **PUBLIC SERVICE COMMISSION**

SB 0721 Establishes and revises several programs for disabled persons.

#### **RAILROADS**

HB 1363 Enacts the Midwest Interstate Passenger Rail Compact and repeals an earlier compact.

#### **RETIREMENT-LOCAL GOVERNMENT**

HB 1808 Certain pension benefits and compensation.

**RETIREMENT - SCHOOLS**

HB 1808 Certain pension benefits and compensation.

**RETIREMENT - STATE**

HB 1808 Certain pension benefits and compensation.

**REVENUE DEPARTMENT**

SB 0540 Creates the State Fair Fee Fund.

SB 0867 Various changes to Certified Capital Companies/tax credit programs; landlord registration in Kansas City and St. Louis.

SCR 029 Establishes a study of sales and use taxes to simplify collection.

HB 1104 Appropriations for the Departments of Revenue and Transportation.

HB 1452 Payments to Holocaust survivors exempted from tax and from determination of eligibility for public assistance.

HB 1454 Redefines an existing sales tax credit for certain food processors.

HB 1659 Authorizes sales and tourism taxes for certain cities and counties.

HB 1797 Creates the Insurance Identification Database Fund and modifies other laws relating to motor vehicles.

**ROADS AND HIGHWAYS**

HB 1142 Removes fee for a special permit to move oversized loads and requires the repurchasing of certain farm equipment.

HB 1289 Gives local street departments right to copies of law enforcement accident and incident reports.

HB 1742 Authorizes the issuance of \$2 billion in bonds to finance road and bridge construction.

**SAINT LOUIS**

SB 0542 Changes the compensation of public administrators.

SB 0867 Various changes to Certified Capital Companies/tax credit programs; landlord registration in Kansas City and St. Louis.

HB 1238 Numerous changes concerning urban affairs, taxation and economic programs.

HB 1808 Certain pension benefits and compensation.

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**ST. LOUIS COUNTY**

- HB 1967 Modification to St. Louis County Boundary Commission statutes.

**SALARIES**

- HB 1808 Certain pension benefits and compensation.

**SCIENCE AND TECHNOLOGY**

- HB 1848 Modifies provisions relating to the licensing of certain health practitioners.

**SEWERS AND SEWER DISTRICTS**

- SB 0741 Revises water resource laws.

**SOCIAL SERVICES DEPARTMENT**

- SB 0757 Revises various child protection laws.  
HB 1111 Appropriations for the Department of Social Services.  
HB 1386 Prohibits financial exploitation of an elderly or disabled person.  
HB 1591 Allows a nursing home administrator to retire his or her license.

**SOVEREIGN OR OFFICIAL IMMUNITY**

- HB 1544 Clarifies a not-for-profit statute that limits corporate distributions.

**STATE DEPARTMENTS**

- SB 0788 Amends "whistle-blower" statute for certain employees, and modifies health care licensing and training standards.  
SB 0885 Modifies the law relating to the Missouri Consolidated Health Care Plan and changes provisions for continuation of coverage.  
SRB1001 Repeals provisions of law that are not in effect.  
HB 1376 Allows the tour of state facilities by new members of the General Assembly to be any time of the year.  
HB 1486 Allows community colleges to share cost of certain expenses which currently the state must pay.

**STATE EMPLOYEES**

- SB 0788 Amends "whistle-blower" statute for certain employees, and modifies health care licensing and training standards.  
SB 0885 Modifies the law relating to the Missouri Consolidated Health Care Plan and changes provisions for continuation of coverage.
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- HB 1486 Allows community colleges to share cost of certain expenses which currently the state must pay.

**SUNSHINE LAW**

- HB 1321 Adopts Interstate Compact for Adult Offender Supervision.

**TAXATION AND REVENUE - GENERAL**

- SB 0867 Various changes to Certified Capital Companies/tax credit programs; landlord registration in Kansas City and St. Louis.
- SB 0896 Modifies law regarding LLC's, LLP's, corporations, financial institutions and other financial arrangements.
- HB 1452 Payments to Holocaust survivors exempted from tax and from determination of eligibility for public assistance.
- HB 1454 Redefines an existing sales tax credit for certain food processors.
- HB 1659 Authorizes sales and tourism taxes for certain cities and counties.
- HB 1797 Creates the Insurance Identification Database Fund and modifies other laws relating to motor vehicles.

**TAXATION AND REVENUE - INCOME**

- HB 1452 Payments to Holocaust survivors exempted from tax and from determination of eligibility for public assistance.

**TAXATION AND REVENUE - PROPERTY**

- SB 0894 Numerous provisions relating to economic development, taxation and land use law.
- SB 0896 Modifies law regarding LLC's, LLP's, corporations, financial institutions and other financial arrangements.
- HB 1238 Numerous changes concerning urban affairs, taxation and economic programs.

**TAXATION AND REVENUE - SALES AND USE**

- SB 0719 Changes the Kansas and Missouri Metropolitan Culture District to allow funding of sports activities and facilities.
- SB 0724 Changes several county-level tourism taxes.
- SB 0894 Numerous provisions relating to economic development, taxation and land use law.
- SCR 029 Establishes a study of sales and use taxes to simplify collection.
- HB 1454 Redefines an existing sales tax credit for certain food processors.
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- HB 1659 Authorizes sales and tourism taxes for certain cities and counties.

#### **TEACHERS**

- SB 0944 Revises prohibitions on drugs and weapons on school premises.  
SB 0961 Revises National Guard Scholarship Program, recognition of veterans.

#### **TELECOMMUNICATIONS**

- SB 0721 Establishes and revises several programs for disabled persons.  
SB 0757 Revises various child protection laws.  
SB 0763 Regulates unsolicited telephone sales calls.

#### **TOURISM**

- SB 0724 Changes several county-level tourism taxes.  
HB 1659 Authorizes sales and tourism taxes for certain cities and counties.

#### **TRANSPORTATION**

- SB 0881 Allows funding for motor pool operations by the Public Mass Transportation Fund in Kansas City; reconstitutes Kansas City Transportation Authority.  
HB 1659 Authorizes sales and tourism taxes for certain cities and counties.  
HB 1742 Authorizes the issuance of \$2 billion in bonds to finance road and bridge construction.  
HB 1948 Changes law regarding permits for concrete pump trucks, length limits for dromedary units and auto insurance.

#### **TRANSPORTATION DEPARTMENT**

- HB 1104 Appropriations for the Departments of Revenue and Transportation.  
HB 1142 Removes fee for a special permit to move oversized loads and requires the repurchasing of certain farm equipment.  
HB 1604 Authorizes the conveyance of certain state property.  
HB 1742 Authorizes the issuance of \$2 billion in bonds to finance road and bridge construction.  
HB 1948 Changes law regarding permits for concrete pump trucks, length limits for dromedary units and auto insurance.
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**TREASURER, STATE**

- SB 0540 Creates the State Fair Fee Fund.  
HB 1428 Establishes a memorial on the Capitol grounds for workers killed or injured on the job in the state.

**UTILITIES**

- SB 0721 Establishes and revises several programs for disabled persons.  
SB 0763 Regulates unsolicited telephone sales calls.

**VETERANS**

- SB 0902 Changes certain licensing and enforcement procedures for excursion gambling boats.  
HB 1185 Authorizes conveyance of certain Lincoln University property to Jefferson City and part of Mexico Veterans Home property.  
HB 1604 Authorizes the conveyance of certain state property.

**VICTIMS OF CRIME**

- HB 1289 Gives local street departments right to copies of law enforcement accident and incident reports.  
HB 1353 Opens coroner's reports to any person involved in a fatal accident.  
HB 1452 Payments to Holocaust survivors exempted from tax and from determination of eligibility for public assistance.

**WASTE - HAZARDOUS**

- SB 0577 Revises hazardous waste laws.

**WATER RESOURCES AND WATER DISTRICTS**

- SB 0741 Revises water resource laws.

**WEAPONS**

- SB 0944 Revises prohibitions on drugs and weapons on school premises.
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